



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1924

Introduced 2/10/2011, by Sen. Toi W. Hutchinson

SYNOPSIS AS INTRODUCED:

15 ILCS 335/12.5 new	
15 ILCS 335/13	from Ch. 124, par. 33
625 ILCS 5/2-123	from Ch. 95 1/2, par. 2-123
625 ILCS 5/6-101	from Ch. 95 1/2, par. 6-101
625 ILCS 5/6-106.1	
625 ILCS 5/6-106.11	from Ch. 95 1/2, par. 6-106.11
625 ILCS 5/6-107	from Ch. 95 1/2, par. 6-107
625 ILCS 5/6-113	from Ch. 95 1/2, par. 6-113
625 ILCS 5/6-201	
625 ILCS 5/6-206	
625 ILCS 5/6-206.1	from Ch. 95 1/2, par. 6-206.1
625 ILCS 5/6-207	from Ch. 95 1/2, par. 6-207
625 ILCS 5/6-208.1	from Ch. 95 1/2, par. 6-208.1
625 ILCS 5/6-401	from Ch. 95 1/2, par. 6-401
625 ILCS 5/6-419	from Ch. 95 1/2, par. 6-419
625 ILCS 5/6-507	from Ch. 95 1/2, par. 6-507
625 ILCS 5/6-908	from Ch. 95 1/2, par. 6-908

Amends the Illinois Identification Card Act and the Illinois Vehicle Code. Makes changes to provisions regarding: the issuance of driver's licenses and identification cards; confidentiality of driver medical reports; information on school bus driver permits; application of school bus driver permit restrictions; issuance of graduated licenses and probationary licenses; cancellation of licenses or permits; discretionary authority to suspend or revoke licenses or permits; impoundment or forfeiture of a vehicle related to multiple summary suspensions; length of summary suspensions; driver training schools; and commercial driver's licenses. Effective immediately.

LRB097 08767 HEP 48897 b

1 AN ACT concerning the Secretary of State.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Identification Card Act is amended
5 by changing Section 13 and by adding Section 12.5 as follows:

6 (15 ILCS 335/12.5 new)

7 Sec. 12.5. Errors; documents; issuance of new card;
8 cancellation. The Secretary of State may, upon written notice
9 of at least 5 days to the person, require the person to appear
10 at a Driver Services facility if:

11 (i) the Secretary has issued an identification card in
12 error;

13 (ii) the person has become ineligible to retain the
14 identification card; or

15 (iii) the Secretary has good cause to believe that the
16 identification card was issued based on invalid,
17 fictitious, or fraudulent documents.

18 Upon the appearance of an identification card holder at a
19 Driver Services facility, the Secretary shall, as applicable,
20 correct the identification card error, issue a new
21 identification card, or verify that the identification card
22 holder possesses valid identification documents. Refusal or
23 neglect of the identification card holder to appear shall

1 result in the cancellation of the identification card.

2 (15 ILCS 335/13) (from Ch. 124, par. 33)

3 Sec. 13. Rejection, denial or revocations.

4 (a) The Secretary of State may reject or deny any
5 application if he:

6 1. is not satisfied with the genuineness, regularity or
7 legality of any application; or

8 2. has not been supplied with the required information;
9 or

10 3. is not satisfied with the truth of any information
11 or documentation supplied by an applicant; or

12 4. determines that the applicant is not entitled to the
13 card as applied for; or

14 5. determines that any fraud was committed by the
15 applicant; or

16 6. determines that a signature is not valid or is a
17 forgery; or

18 7. determines that the applicant has not paid the
19 prescribed fee; or

20 8. determines that the applicant has falsely claimed to
21 be a disabled person as defined in Section 4A of this Act;
22 or

23 9. cannot verify the accuracy of any information or
24 documentation submitted by the applicant.

25 (b) The Secretary of State may cancel or revoke any

1 identification card issued by him, upon determining that:

2 1. the holder is not legally entitled to the card; or

3 2. the applicant for the card made a false statement or
4 knowingly concealed a material fact in any application
5 filed by him under this Act; or

6 3. any person has displayed or represented as his own a
7 card not issued to him; or

8 4. any holder has permitted the display or use of his
9 card by any other person; or

10 5. that the signature of the applicant was forgery or
11 that the signature on the card is a forgery; or

12 6. a card has been used for any unlawful or fraudulent
13 purpose; or

14 7. a card has been altered or defaced; or

15 8. any card has been duplicated for any purpose; or

16 9. any card was utilized to counterfeit such cards; or

17 10. the holder of an Illinois Disabled Person
18 Identification Card is not a disabled person as defined in
19 Section 4A of this Act; or

20 11. the holder failed to appear at a Driver Services
21 facility for the reissuance of a card or to present
22 documentation for verification of identity.

23 (c) The Secretary of State is authorized to take possession
24 of and shall make a demand for return of any card which has
25 been cancelled or revoked, unlawfully or erroneously issued, or
26 issued in violation of this Act, and every person to whom such

1 demand is addressed, shall promptly and without delay, return
2 such card to the Secretary pursuant to his instructions, or, he
3 shall surrender any such card to the Secretary or any agent of
4 the Secretary upon demand.

5 (d) The Secretary of State is authorized to take possession
6 of any Illinois Identification Card or Illinois Disabled Person
7 Identification Card which has been cancelled or revoked, or
8 which is blank, or which has been altered or defaced or
9 duplicated or which is counterfeit or contains a forgery; or
10 otherwise issued in violation of this Act and may confiscate
11 any suspected fraudulent, fictitious, or altered documents
12 submitted by an applicant in support of an application for an
13 identification card.

14 (Source: P.A. 93-895, eff. 1-1-05.)

15 Section 10. The Illinois Vehicle Code is amended by
16 changing Sections 2-123, 6-101, 6-106.1, 6-106.11, 6-107,
17 6-113, 6-201, 6-206, 6-206.1, 6-207, 6-208.1, 6-401, 6-419,
18 6-507, and 6-908 as follows:

19 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

20 Sec. 2-123. Sale and Distribution of Information.

21 (a) Except as otherwise provided in this Section, the
22 Secretary may make the driver's license, vehicle and title
23 registration lists, in part or in whole, and any statistical
24 information derived from these lists available to local

1 governments, elected state officials, state educational
2 institutions, and all other governmental units of the State and
3 Federal Government requesting them for governmental purposes.
4 The Secretary shall require any such applicant for services to
5 pay for the costs of furnishing such services and the use of
6 the equipment involved, and in addition is empowered to
7 establish prices and charges for the services so furnished and
8 for the use of the electronic equipment utilized.

9 (b) The Secretary is further empowered to and he may, in
10 his discretion, furnish to any applicant, other than listed in
11 subsection (a) of this Section, vehicle or driver data on a
12 computer tape, disk, other electronic format or computer
13 processable medium, or printout at a fixed fee of \$250 for
14 orders received before October 1, 2003 and \$500 for orders
15 received on or after October 1, 2003, in advance, and require
16 in addition a further sufficient deposit based upon the
17 Secretary of State's estimate of the total cost of the
18 information requested and a charge of \$25 for orders received
19 before October 1, 2003 and \$50 for orders received on or after
20 October 1, 2003, per 1,000 units or part thereof identified or
21 the actual cost, whichever is greater. The Secretary is
22 authorized to refund any difference between the additional
23 deposit and the actual cost of the request. This service shall
24 not be in lieu of an abstract of a driver's record nor of a
25 title or registration search. This service may be limited to
26 entities purchasing a minimum number of records as required by

1 administrative rule. The information sold pursuant to this
2 subsection shall be the entire vehicle or driver data list, or
3 part thereof. The information sold pursuant to this subsection
4 shall not contain personally identifying information unless
5 the information is to be used for one of the purposes
6 identified in subsection (f-5) of this Section. Commercial
7 purchasers of driver and vehicle record databases shall enter
8 into a written agreement with the Secretary of State that
9 includes disclosure of the commercial use of the information to
10 be purchased.

11 (b-1) The Secretary is further empowered to and may, in his
12 or her discretion, furnish vehicle or driver data on a computer
13 tape, disk, or other electronic format or computer processible
14 medium, at no fee, to any State or local governmental agency
15 that uses the information provided by the Secretary to transmit
16 data back to the Secretary that enables the Secretary to
17 maintain accurate driving records, including dispositions of
18 traffic cases. This information may be provided without fee not
19 more often than once every 6 months.

20 (c) Secretary of State may issue registration lists. The
21 Secretary of State may compile a list of all registered
22 vehicles. Each list of registered vehicles shall be arranged
23 serially according to the registration numbers assigned to
24 registered vehicles and may contain in addition the names and
25 addresses of registered owners and a brief description of each
26 vehicle including the serial or other identifying number

1 thereof. Such compilation may be in such form as in the
2 discretion of the Secretary of State may seem best for the
3 purposes intended.

4 (d) The Secretary of State shall furnish no more than 2
5 current available lists of such registrations to the sheriffs
6 of all counties and to the chiefs of police of all cities and
7 villages and towns of 2,000 population and over in this State
8 at no cost. Additional copies may be purchased by the sheriffs
9 or chiefs of police at the fee of \$500 each or at the cost of
10 producing the list as determined by the Secretary of State.
11 Such lists are to be used for governmental purposes only.

12 (e) (Blank).

13 (e-1) (Blank).

14 (f) The Secretary of State shall make a title or
15 registration search of the records of his office and a written
16 report on the same for any person, upon written application of
17 such person, accompanied by a fee of \$5 for each registration
18 or title search. The written application shall set forth the
19 intended use of the requested information. No fee shall be
20 charged for a title or registration search, or for the
21 certification thereof requested by a government agency. The
22 report of the title or registration search shall not contain
23 personally identifying information unless the request for a
24 search was made for one of the purposes identified in
25 subsection (f-5) of this Section. The report of the title or
26 registration search shall not contain highly restricted

1 personal information unless specifically authorized by this
2 Code.

3 The Secretary of State shall certify a title or
4 registration record upon written request. The fee for
5 certification shall be \$5 in addition to the fee required for a
6 title or registration search. Certification shall be made under
7 the signature of the Secretary of State and shall be
8 authenticated by Seal of the Secretary of State.

9 The Secretary of State may notify the vehicle owner or
10 registrant of the request for purchase of his title or
11 registration information as the Secretary deems appropriate.

12 No information shall be released to the requestor until
13 expiration of a 10 day period. This 10 day period shall not
14 apply to requests for information made by law enforcement
15 officials, government agencies, financial institutions,
16 attorneys, insurers, employers, automobile associated
17 businesses, persons licensed as a private detective or firms
18 licensed as a private detective agency under the Private
19 Detective, Private Alarm, Private Security, Fingerprint
20 Vendor, and Locksmith Act of 2004, who are employed by or are
21 acting on behalf of law enforcement officials, government
22 agencies, financial institutions, attorneys, insurers,
23 employers, automobile associated businesses, and other
24 business entities for purposes consistent with the Illinois
25 Vehicle Code, the vehicle owner or registrant or other entities
26 as the Secretary may exempt by rule and regulation.

1 Any misrepresentation made by a requestor of title or
2 vehicle information shall be punishable as a petty offense,
3 except in the case of persons licensed as a private detective
4 or firms licensed as a private detective agency which shall be
5 subject to disciplinary sanctions under Section 40-10 of the
6 Private Detective, Private Alarm, Private Security,
7 Fingerprint Vendor, and Locksmith Act of 2004.

8 (f-5) The Secretary of State shall not disclose or
9 otherwise make available to any person or entity any personally
10 identifying information obtained by the Secretary of State in
11 connection with a driver's license, vehicle, or title
12 registration record unless the information is disclosed for one
13 of the following purposes:

14 (1) For use by any government agency, including any
15 court or law enforcement agency, in carrying out its
16 functions, or any private person or entity acting on behalf
17 of a federal, State, or local agency in carrying out its
18 functions.

19 (2) For use in connection with matters of motor vehicle
20 or driver safety and theft; motor vehicle emissions; motor
21 vehicle product alterations, recalls, or advisories;
22 performance monitoring of motor vehicles, motor vehicle
23 parts, and dealers; and removal of non-owner records from
24 the original owner records of motor vehicle manufacturers.

25 (3) For use in the normal course of business by a
26 legitimate business or its agents, employees, or

1 contractors, but only:

2 (A) to verify the accuracy of personal information
3 submitted by an individual to the business or its
4 agents, employees, or contractors; and

5 (B) if such information as so submitted is not
6 correct or is no longer correct, to obtain the correct
7 information, but only for the purposes of preventing
8 fraud by, pursuing legal remedies against, or
9 recovering on a debt or security interest against, the
10 individual.

11 (4) For use in research activities and for use in
12 producing statistical reports, if the personally
13 identifying information is not published, redisclosed, or
14 used to contact individuals.

15 (5) For use in connection with any civil, criminal,
16 administrative, or arbitral proceeding in any federal,
17 State, or local court or agency or before any
18 self-regulatory body, including the service of process,
19 investigation in anticipation of litigation, and the
20 execution or enforcement of judgments and orders, or
21 pursuant to an order of a federal, State, or local court.

22 (6) For use by any insurer or insurance support
23 organization or by a self-insured entity or its agents,
24 employees, or contractors in connection with claims
25 investigation activities, antifraud activities, rating, or
26 underwriting.

1 (7) For use in providing notice to the owners of towed
2 or impounded vehicles.

3 (8) For use by any person licensed as a private
4 detective or firm licensed as a private detective agency
5 under the Private Detective, Private Alarm, Private
6 Security, Fingerprint Vendor, and Locksmith Act of 2004,
7 private investigative agency or security service licensed
8 in Illinois for any purpose permitted under this
9 subsection.

10 (9) For use by an employer or its agent or insurer to
11 obtain or verify information relating to a holder of a
12 commercial driver's license that is required under chapter
13 313 of title 49 of the United States Code.

14 (10) For use in connection with the operation of
15 private toll transportation facilities.

16 (11) For use by any requester, if the requester
17 demonstrates it has obtained the written consent of the
18 individual to whom the information pertains.

19 (12) For use by members of the news media, as defined
20 in Section 1-148.5, for the purpose of newsgathering when
21 the request relates to the operation of a motor vehicle or
22 public safety.

23 (13) For any other use specifically authorized by law,
24 if that use is related to the operation of a motor vehicle
25 or public safety.

26 (f-6) The Secretary of State shall not disclose or

1 otherwise make available to any person or entity any highly
2 restricted personal information obtained by the Secretary of
3 State in connection with a driver's license, vehicle, or title
4 registration record unless specifically authorized by this
5 Code.

6 (g) 1. The Secretary of State may, upon receipt of a
7 written request and a fee of \$6 before October 1, 2003 and
8 a fee of \$12 on and after October 1, 2003, furnish to the
9 person or agency so requesting a driver's record. Such
10 document may include a record of: current driver's license
11 issuance information, except that the information on
12 judicial driving permits shall be available only as
13 otherwise provided by this Code; convictions; orders
14 entered revoking, suspending or cancelling a driver's
15 license or privilege; and notations of accident
16 involvement. All other information, unless otherwise
17 permitted by this Code, shall remain confidential.
18 Information released pursuant to a request for a driver's
19 record shall not contain personally identifying
20 information, unless the request for the driver's record was
21 made for one of the purposes set forth in subsection (f-5)
22 of this Section. The Secretary of State may, without fee,
23 allow a parent or guardian of a person under the age of 18
24 years, who holds an instruction permit or graduated
25 driver's license, to view that person's driving record
26 online, through a computer connection. The parent or

1 guardian's online access to the driving record will
2 terminate when the instruction permit or graduated
3 driver's license holder reaches the age of 18.

4 2. The Secretary of State shall not disclose or
5 otherwise make available to any person or entity any highly
6 restricted personal information obtained by the Secretary
7 of State in connection with a driver's license, vehicle, or
8 title registration record unless specifically authorized
9 by this Code. The Secretary of State may certify an
10 abstract of a driver's record upon written request
11 therefor. Such certification shall be made under the
12 signature of the Secretary of State and shall be
13 authenticated by the Seal of his office.

14 3. All requests for driving record information shall be
15 made in a manner prescribed by the Secretary and shall set
16 forth the intended use of the requested information.

17 The Secretary of State may notify the affected driver
18 of the request for purchase of his driver's record as the
19 Secretary deems appropriate.

20 No information shall be released to the requester until
21 expiration of a 10 day period. This 10 day period shall not
22 apply to requests for information made by law enforcement
23 officials, government agencies, financial institutions,
24 attorneys, insurers, employers, automobile associated
25 businesses, persons licensed as a private detective or
26 firms licensed as a private detective agency under the

1 Private Detective, Private Alarm, Private Security,
2 Fingerprint Vendor, and Locksmith Act of 2004, who are
3 employed by or are acting on behalf of law enforcement
4 officials, government agencies, financial institutions,
5 attorneys, insurers, employers, automobile associated
6 businesses, and other business entities for purposes
7 consistent with the Illinois Vehicle Code, the affected
8 driver or other entities as the Secretary may exempt by
9 rule and regulation.

10 Any misrepresentation made by a requestor of driver
11 information shall be punishable as a petty offense, except
12 in the case of persons licensed as a private detective or
13 firms licensed as a private detective agency which shall be
14 subject to disciplinary sanctions under Section 40-10 of
15 the Private Detective, Private Alarm, Private Security,
16 Fingerprint Vendor, and Locksmith Act of 2004.

17 4. The Secretary of State may furnish without fee, upon
18 the written request of a law enforcement agency, any
19 information from a driver's record on file with the
20 Secretary of State when such information is required in the
21 enforcement of this Code or any other law relating to the
22 operation of motor vehicles, including records of
23 dispositions; documented information involving the use of
24 a motor vehicle; whether such individual has, or previously
25 had, a driver's license; and the address and personal
26 description as reflected on said driver's record.

1 5. Except as otherwise provided in this Section, the
2 Secretary of State may furnish, without fee, information
3 from an individual driver's record on file, if a written
4 request therefor is submitted by any public transit system
5 or authority, public defender, law enforcement agency, a
6 state or federal agency, or an Illinois local
7 intergovernmental association, if the request is for the
8 purpose of a background check of applicants for employment
9 with the requesting agency, or for the purpose of an
10 official investigation conducted by the agency, or to
11 determine a current address for the driver so public funds
12 can be recovered or paid to the driver, or for any other
13 purpose set forth in subsection (f-5) of this Section.

14 The Secretary may also furnish the courts a copy of an
15 abstract of a driver's record, without fee, subsequent to
16 an arrest for a violation of Section 11-501 or a similar
17 provision of a local ordinance. Such abstract may include
18 records of dispositions; documented information involving
19 the use of a motor vehicle as contained in the current
20 file; whether such individual has, or previously had, a
21 driver's license; and the address and personal description
22 as reflected on said driver's record.

23 6. Any certified abstract issued by the Secretary of
24 State or transmitted electronically by the Secretary of
25 State pursuant to this Section, to a court or on request of
26 a law enforcement agency, for the record of a named person

1 as to the status of the person's driver's license shall be
2 prima facie evidence of the facts therein stated and if the
3 name appearing in such abstract is the same as that of a
4 person named in an information or warrant, such abstract
5 shall be prima facie evidence that the person named in such
6 information or warrant is the same person as the person
7 named in such abstract and shall be admissible for any
8 prosecution under this Code and be admitted as proof of any
9 prior conviction or proof of records, notices, or orders
10 recorded on individual driving records maintained by the
11 Secretary of State.

12 7. Subject to any restrictions contained in the
13 Juvenile Court Act of 1987, and upon receipt of a proper
14 request and a fee of \$6 before October 1, 2003 and a fee of
15 \$12 on or after October 1, 2003, the Secretary of State
16 shall provide a driver's record to the affected driver, or
17 the affected driver's attorney, upon verification. Such
18 record shall contain all the information referred to in
19 paragraph 1 of this subsection (g) plus: any recorded
20 accident involvement as a driver; information recorded
21 pursuant to subsection (e) of Section 6-117 and paragraph
22 (4) of subsection (a) of Section 6-204 of this Code. All
23 other information, unless otherwise permitted by this
24 Code, shall remain confidential.

25 (h) The Secretary shall not disclose social security
26 numbers or any associated information obtained from the Social

1 Security Administration except pursuant to a written request
2 by, or with the prior written consent of, the individual
3 except: (1) to officers and employees of the Secretary who have
4 a need to know the social security numbers in performance of
5 their official duties, (2) to law enforcement officials for a
6 lawful, civil or criminal law enforcement investigation, and if
7 the head of the law enforcement agency has made a written
8 request to the Secretary specifying the law enforcement
9 investigation for which the social security numbers are being
10 sought, (3) to the United States Department of Transportation,
11 or any other State, pursuant to the administration and
12 enforcement of the Commercial Motor Vehicle Safety Act of 1986,
13 (4) pursuant to the order of a court of competent jurisdiction,
14 (5) to the Department of Healthcare and Family Services
15 (formerly Department of Public Aid) for utilization in the
16 child support enforcement duties assigned to that Department
17 under provisions of the Illinois Public Aid Code after the
18 individual has received advanced meaningful notification of
19 what redisclosure is sought by the Secretary in accordance with
20 the federal Privacy Act, (5.5) to the Department of Healthcare
21 and Family Services and the Department of Human Services solely
22 for the purpose of verifying Illinois residency where such
23 residency is an eligibility requirement for benefits under the
24 Illinois Public Aid Code or any other health benefit program
25 administered by the Department of Healthcare and Family
26 Services or the Department of Human Services, or (6) to the

1 Illinois Department of Revenue solely for use by the Department
2 in the collection of any tax or debt that the Department of
3 Revenue is authorized or required by law to collect, provided
4 that the Department shall not disclose the social security
5 number to any person or entity outside of the Department.

6 (i) (Blank).

7 (j) Medical statements or medical reports received in the
8 Secretary of State's Office shall be confidential. Except as
9 provided in this Section, no ~~no~~ confidential information may be
10 open to public inspection or the contents disclosed to anyone,
11 except officers and employees of the Secretary who have a need
12 to know the information contained in the medical reports and
13 the Driver License Medical Advisory Board, unless so directed
14 by an order of a court of competent jurisdiction. If the
15 Secretary receives a medical report regarding a driver that
16 does not address a medical condition contained in a previous
17 medical report, the Secretary may disclose the unaddressed
18 medical condition to the driver or his or her physician, or
19 both, solely for the purpose of submission of a medical report
20 that addresses the condition.

21 (k) All fees collected under this Section shall be paid
22 into the Road Fund of the State Treasury, except that (i) for
23 fees collected before October 1, 2003, \$3 of the \$6 fee for a
24 driver's record shall be paid into the Secretary of State
25 Special Services Fund, (ii) for fees collected on and after
26 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall

1 be paid into the Secretary of State Special Services Fund and
2 \$6 shall be paid into the General Revenue Fund, and (iii) for
3 fees collected on and after October 1, 2003, 50% of the amounts
4 collected pursuant to subsection (b) shall be paid into the
5 General Revenue Fund.

6 (l) (Blank).

7 (m) Notations of accident involvement that may be disclosed
8 under this Section shall not include notations relating to
9 damage to a vehicle or other property being transported by a
10 tow truck. This information shall remain confidential,
11 provided that nothing in this subsection (m) shall limit
12 disclosure of any notification of accident involvement to any
13 law enforcement agency or official.

14 (n) Requests made by the news media for driver's license,
15 vehicle, or title registration information may be furnished
16 without charge or at a reduced charge, as determined by the
17 Secretary, when the specific purpose for requesting the
18 documents is deemed to be in the public interest. Waiver or
19 reduction of the fee is in the public interest if the principal
20 purpose of the request is to access and disseminate information
21 regarding the health, safety, and welfare or the legal rights
22 of the general public and is not for the principal purpose of
23 gaining a personal or commercial benefit. The information
24 provided pursuant to this subsection shall not contain
25 personally identifying information unless the information is
26 to be used for one of the purposes identified in subsection

1 (f-5) of this Section.

2 (o) The redisclosure of personally identifying information
3 obtained pursuant to this Section is prohibited, except to the
4 extent necessary to effectuate the purpose for which the
5 original disclosure of the information was permitted.

6 (p) The Secretary of State is empowered to adopt rules to
7 effectuate this Section.

8 (Source: P.A. 95-201, eff. 1-1-08; 95-287, eff. 1-1-08; 95-331,
9 eff. 8-21-07; 95-613, eff. 9-11-07; 95-876, eff. 8-21-08;
10 96-1383, eff. 1-1-11; 96-1501, eff. 1-25-11.)

11 (625 ILCS 5/6-101) (from Ch. 95 1/2, par. 6-101)

12 Sec. 6-101. Drivers must have licenses or permits.

13 (a) No person, except those expressly exempted by Section
14 6-102, shall drive any motor vehicle upon a highway in this
15 State unless such person has a valid license or permit, or a
16 restricted driving permit, issued under the provisions of this
17 Act.

18 (b) No person shall drive a motor vehicle unless he holds a
19 valid license or permit, or a restricted driving permit issued
20 under the provisions of Section 6-205, 6-206, or 6-113 of this
21 Act. Any person to whom a license is issued under the
22 provisions of this Act must surrender to the Secretary of State
23 all valid licenses or permits. No drivers license or
24 instruction permit shall be issued to any person who holds a
25 valid Foreign State license, identification card, or permit

1 unless such person first surrenders to the Secretary of State
2 any such valid Foreign State license, identification card, or
3 permit.

4 (b-5) Any person who commits a violation of subsection (a)
5 or (b) of this Section is guilty of a Class A misdemeanor, if
6 at the time of the violation the person's driver's license or
7 permit was cancelled under clause (a)9 of Section 6-201 of this
8 Code.

9 (c) Any person licensed as a driver hereunder shall not be
10 required by any city, village, incorporated town or other
11 municipal corporation to obtain any other license to exercise
12 the privilege thereby granted.

13 (d) In addition to other penalties imposed under this
14 Section, any person in violation of this Section who is also in
15 violation of Section 7-601 of this Code relating to mandatory
16 insurance requirements shall have his or her motor vehicle
17 immediately impounded by the arresting law enforcement
18 officer. The motor vehicle may be released to any licensed
19 driver upon a showing of proof of insurance for the motor
20 vehicle that was impounded and the notarized written consent
21 for the release by the vehicle owner.

22 (e) In addition to other penalties imposed under this
23 Section, the vehicle of any person in violation of this Section
24 who is also in violation of Section 7-601 of this Code relating
25 to mandatory insurance requirements and who, in violating this
26 Section, has caused death or personal injury to another person

1 is subject to forfeiture under Sections 36-1 and 36-2 of the
2 Criminal Code of 1961. For the purposes of this Section, a
3 personal injury shall include any type A injury as indicated on
4 the traffic accident report completed by a law enforcement
5 officer that requires immediate professional attention in
6 either a doctor's office or a medical facility. A type A injury
7 shall include severely bleeding wounds, distorted extremities,
8 and injuries that require the injured party to be carried from
9 the scene.

10 (Source: P.A. 94-993, eff. 1-1-07; 95-578, eff. 6-1-08.)

11 (625 ILCS 5/6-106.1)

12 Sec. 6-106.1. School bus driver permit.

13 (a) The Secretary of State shall issue a school bus driver
14 permit to those applicants who have met all the requirements of
15 the application and screening process under this Section to
16 insure the welfare and safety of children who are transported
17 on school buses throughout the State of Illinois. Applicants
18 shall obtain the proper application required by the Secretary
19 of State from their prospective or current employer and submit
20 the completed application to the prospective or current
21 employer along with the necessary fingerprint submission as
22 required by the Department of State Police to conduct
23 fingerprint based criminal background checks on current and
24 future information available in the state system and current
25 information available through the Federal Bureau of

1 Investigation's system. Applicants who have completed the
2 fingerprinting requirements shall not be subjected to the
3 fingerprinting process when applying for subsequent permits or
4 submitting proof of successful completion of the annual
5 refresher course. Individuals who on the effective date of this
6 Act possess a valid school bus driver permit that has been
7 previously issued by the appropriate Regional School
8 Superintendent are not subject to the fingerprinting
9 provisions of this Section as long as the permit remains valid
10 and does not lapse. The applicant shall be required to pay all
11 related application and fingerprinting fees as established by
12 rule including, but not limited to, the amounts established by
13 the Department of State Police and the Federal Bureau of
14 Investigation to process fingerprint based criminal background
15 investigations. All fees paid for fingerprint processing
16 services under this Section shall be deposited into the State
17 Police Services Fund for the cost incurred in processing the
18 fingerprint based criminal background investigations. All
19 other fees paid under this Section shall be deposited into the
20 Road Fund for the purpose of defraying the costs of the
21 Secretary of State in administering this Section. All
22 applicants must:

- 23 1. be 21 years of age or older;
- 24 2. possess a valid and properly classified driver's
25 license issued by the Secretary of State;
- 26 3. possess a valid driver's license, which has not been

1 revoked, suspended, or canceled for 3 years immediately
2 prior to the date of application, or have not had his or
3 her commercial motor vehicle driving privileges
4 disqualified within the 3 years immediately prior to the
5 date of application;

6 4. successfully pass a written test, administered by
7 the Secretary of State, on school bus operation, school bus
8 safety, and special traffic laws relating to school buses
9 and submit to a review of the applicant's driving habits by
10 the Secretary of State at the time the written test is
11 given;

12 5. demonstrate ability to exercise reasonable care in
13 the operation of school buses in accordance with rules
14 promulgated by the Secretary of State;

15 6. demonstrate physical fitness to operate school
16 buses by submitting the results of a medical examination,
17 including tests for drug use for each applicant not subject
18 to such testing pursuant to federal law, conducted by a
19 licensed physician, an advanced practice nurse who has a
20 written collaborative agreement with a collaborating
21 physician which authorizes him or her to perform medical
22 examinations, or a physician assistant who has been
23 delegated the performance of medical examinations by his or
24 her supervising physician within 90 days of the date of
25 application according to standards promulgated by the
26 Secretary of State;

1 7. affirm under penalties of perjury that he or she has
2 not made a false statement or knowingly concealed a
3 material fact in any application for permit;

4 8. have completed an initial classroom course,
5 including first aid procedures, in school bus driver safety
6 as promulgated by the Secretary of State; and after
7 satisfactory completion of said initial course an annual
8 refresher course; such courses and the agency or
9 organization conducting such courses shall be approved by
10 the Secretary of State; failure to complete the annual
11 refresher course, shall result in cancellation of the
12 permit until such course is completed;

13 9. not have been convicted of 2 or more serious traffic
14 offenses, as defined by rule, within one year prior to the
15 date of application that may endanger the life or safety of
16 any of the driver's passengers within the duration of the
17 permit period;

18 10. not have been convicted of reckless driving,
19 aggravated reckless driving, driving while under the
20 influence of alcohol, other drug or drugs, intoxicating
21 compound or compounds or any combination thereof, or
22 reckless homicide resulting from the operation of a motor
23 vehicle within 3 years of the date of application;

24 11. not have been convicted of committing or attempting
25 to commit any one or more of the following offenses: (i)
26 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,

1 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,
2 10-5.1, 10-6, 10-7, 10-9, 11-6, 11-6.5, 11-6.6, 11-9,
3 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-15, 11-15.1,
4 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,
5 11-19.2, 11-20, 11-20.1, 11-20.3, 11-21, 11-22, 11-23,
6 11-24, 11-25, 11-26, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,
7 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
8 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11,
9 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,
10 12-21.6, 12-33, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4,
11 18-5, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1,
12 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5,
13 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of
14 Section 8-1, and in subsection (a) and subsection (b),
15 clause (1), of Section 12-4, and in subsection (A), clauses
16 (a) and (b), of Section 24-3, and those offenses contained
17 in Article 29D of the Criminal Code of 1961; (ii) those
18 offenses defined in the Cannabis Control Act except those
19 offenses defined in subsections (a) and (b) of Section 4,
20 and subsection (a) of Section 5 of the Cannabis Control
21 Act; (iii) those offenses defined in the Illinois
22 Controlled Substances Act; (iv) those offenses defined in
23 the Methamphetamine Control and Community Protection Act;
24 (v) any offense committed or attempted in any other state
25 or against the laws of the United States, which if
26 committed or attempted in this State would be punishable as

1 one or more of the foregoing offenses; (vi) the offenses
2 defined in Section 4.1 and 5.1 of the Wrongs to Children
3 Act; (vii) those offenses defined in Section 6-16 of the
4 Liquor Control Act of 1934; and (viii) those offenses
5 defined in the Methamphetamine Precursor Control Act; ~~and~~

6 12. not have been repeatedly involved as a driver in
7 motor vehicle collisions or been repeatedly convicted of
8 offenses against laws and ordinances regulating the
9 movement of traffic, to a degree which indicates lack of
10 ability to exercise ordinary and reasonable care in the
11 safe operation of a motor vehicle or disrespect for the
12 traffic laws and the safety of other persons upon the
13 highway;

14 13. not have, through the unlawful operation of a motor
15 vehicle, caused an accident resulting in the death of any
16 person; and

17 14. not have, within the last 5 years, been adjudged to
18 be afflicted with or suffering from any mental disability
19 or disease.

20 (b) A school bus driver permit shall be valid for a period
21 specified by the Secretary of State as set forth by rule. It
22 shall be renewable upon compliance with subsection (a) of this
23 Section.

24 (c) A school bus driver permit shall contain the holder's
25 driver's license number, legal name, residence address, zip
26 code, ~~social security number~~ and date of birth, a brief

1 description of the holder and a space for signature. The
2 Secretary of State may require a suitable photograph of the
3 holder.

4 (d) The employer shall be responsible for conducting a
5 pre-employment interview with prospective school bus driver
6 candidates, distributing school bus driver applications and
7 medical forms to be completed by the applicant, and submitting
8 the applicant's fingerprint cards to the Department of State
9 Police that are required for the criminal background
10 investigations. The employer shall certify in writing to the
11 Secretary of State that all pre-employment conditions have been
12 successfully completed including the successful completion of
13 an Illinois specific criminal background investigation through
14 the Department of State Police and the submission of necessary
15 fingerprints to the Federal Bureau of Investigation for
16 criminal history information available through the Federal
17 Bureau of Investigation system. The applicant shall present the
18 certification to the Secretary of State at the time of
19 submitting the school bus driver permit application.

20 (e) Permits shall initially be provisional upon receiving
21 certification from the employer that all pre-employment
22 conditions have been successfully completed, and upon
23 successful completion of all training and examination
24 requirements for the classification of the vehicle to be
25 operated, the Secretary of State shall provisionally issue a
26 School Bus Driver Permit. The permit shall remain in a

1 provisional status pending the completion of the Federal Bureau
2 of Investigation's criminal background investigation based
3 upon fingerprinting specimens submitted to the Federal Bureau
4 of Investigation by the Department of State Police. The Federal
5 Bureau of Investigation shall report the findings directly to
6 the Secretary of State. The Secretary of State shall remove the
7 bus driver permit from provisional status upon the applicant's
8 successful completion of the Federal Bureau of Investigation's
9 criminal background investigation.

10 (f) A school bus driver permit holder shall notify the
11 employer and the Secretary of State if he or she is convicted
12 in another state of an offense that would make him or her
13 ineligible for a permit under subsection (a) of this Section.
14 The written notification shall be made within 5 days of the
15 entry of the conviction. Failure of the permit holder to
16 provide the notification is punishable as a petty offense for a
17 first violation and a Class B misdemeanor for a second or
18 subsequent violation.

19 (g) Cancellation; suspension; notice and procedure.

20 (1) The Secretary of State shall cancel a school bus
21 driver permit of an applicant whose criminal background
22 investigation discloses that he or she is not in compliance
23 with the provisions of subsection (a) of this Section.

24 (2) The Secretary of State shall cancel a school bus
25 driver permit when he or she receives notice that the
26 permit holder fails to comply with any provision of this

1 Section or any rule promulgated for the administration of
2 this Section.

3 (3) The Secretary of State shall cancel a school bus
4 driver permit if the permit holder's restricted commercial
5 or commercial driving privileges are withdrawn or
6 otherwise invalidated.

7 (4) The Secretary of State may not issue a school bus
8 driver permit for a period of 3 years to an applicant who
9 fails to obtain a negative result on a drug test as
10 required in item 6 of subsection (a) of this Section or
11 under federal law.

12 (5) The Secretary of State shall forthwith suspend a
13 school bus driver permit for a period of 3 years upon
14 receiving notice that the holder has failed to obtain a
15 negative result on a drug test as required in item 6 of
16 subsection (a) of this Section or under federal law.

17 (6) The Secretary of State shall suspend a school bus
18 driver permit for a period of 3 years upon receiving notice
19 from the employer that the holder failed to perform the
20 inspection procedure set forth in subsection (a) or (b) of
21 Section 12-816 of this Code.

22 The Secretary of State shall notify the State
23 Superintendent of Education and the permit holder's
24 prospective or current employer that the applicant has (1) has
25 failed a criminal background investigation or (2) is no longer
26 eligible for a school bus driver permit; and of the related

1 cancellation of the applicant's provisional school bus driver
2 permit. The cancellation shall remain in effect pending the
3 outcome of a hearing pursuant to Section 2-118 of this Code.
4 The scope of the hearing shall be limited to the issuance
5 criteria contained in subsection (a) of this Section. A
6 petition requesting a hearing shall be submitted to the
7 Secretary of State and shall contain the reason the individual
8 feels he or she is entitled to a school bus driver permit. The
9 permit holder's employer shall notify in writing to the
10 Secretary of State that the employer has certified the removal
11 of the offending school bus driver from service prior to the
12 start of that school bus driver's next workshift. An employing
13 school board that fails to remove the offending school bus
14 driver from service is subject to the penalties defined in
15 Section 3-14.23 of the School Code. A school bus contractor who
16 violates a provision of this Section is subject to the
17 penalties defined in Section 6-106.11.

18 All valid school bus driver permits issued under this
19 Section prior to January 1, 1995, shall remain effective until
20 their expiration date unless otherwise invalidated.

21 (h) When a school bus driver permit holder who is a service
22 member is called to active duty, the employer of the permit
23 holder shall notify the Secretary of State, within 30 days of
24 notification from the permit holder, that the permit holder has
25 been called to active duty. Upon notification pursuant to this
26 subsection, (i) the Secretary of State shall characterize the

1 permit as inactive until a permit holder renews the permit as
2 provided in subsection (i) of this Section, and (ii) if a
3 permit holder fails to comply with the requirements of this
4 Section while called to active duty, the Secretary of State
5 shall not characterize the permit as invalid.

6 (i) A school bus driver permit holder who is a service
7 member returning from active duty must, within 90 days, renew a
8 permit characterized as inactive pursuant to subsection (h) of
9 this Section by complying with the renewal requirements of
10 subsection (b) of this Section.

11 (j) For purposes of subsections (h) and (i) of this
12 Section:

13 "Active duty" means active duty pursuant to an executive
14 order of the President of the United States, an act of the
15 Congress of the United States, or an order of the Governor.

16 "Service member" means a member of the Armed Services or
17 reserve forces of the United States or a member of the Illinois
18 National Guard.

19 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;
20 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.
21 7-22-10; revised 9-2-10.)

22 (625 ILCS 5/6-106.11) (from Ch. 95 1/2, par. 6-106.11)

23 Sec. 6-106.11. (a) Any individual, corporation,
24 partnership or association, who through contractual
25 arrangements with a school district transports students,

1 teachers or other personnel of that district for compensation,
2 shall not permit any person to operate a school bus or any
3 other motor vehicle requiring a school bus driver permit
4 pursuant to that contract if the driver has not complied with
5 the provisions of Sections 6-106.1 of this Code or such other
6 rules or regulations that the Secretary of State may prescribe
7 for the classification, restriction or licensing of the school
8 bus driver permit holder ~~drivers~~.

9 (b) A violation of this Section is a business offense and
10 shall subject the offender to a fine of no less than \$1,000 nor
11 more than \$10,000 for a first offense, no less than \$1,500 nor
12 more than \$15,000 for a second offense, and no less than \$2,000
13 nor more than \$20,000 for a third or subsequent offense. In
14 addition to any fines imposed under this subsection, any
15 offender who has been convicted three times under the
16 provisions of subsection (a) shall, upon a fourth or subsequent
17 conviction be prohibited from transporting or contracting to
18 transport students, teachers or other personnel of a school
19 district for a period of five years beginning with the date of
20 conviction of such fourth or subsequent conviction.

21 (Source: P.A. 83-1286.)

22 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

23 Sec. 6-107. Graduated license.

24 (a) The purpose of the Graduated Licensing Program is to
25 develop safe and mature driving habits in young, inexperienced

1 drivers and reduce or prevent motor vehicle accidents,
2 fatalities, and injuries by:

3 (1) providing for an increase in the time of practice
4 period before granting permission to obtain a driver's
5 license;

6 (2) strengthening driver licensing and testing
7 standards for persons under the age of 21 years;

8 (3) sanctioning driving privileges of drivers under
9 age 21 who have committed serious traffic violations or
10 other specified offenses; and

11 (4) setting stricter standards to promote the public's
12 health and safety.

13 (b) The application of any person under the age of 18
14 years, and not legally emancipated by marriage, for a drivers
15 license or permit to operate a motor vehicle issued under the
16 laws of this State, shall be accompanied by the written consent
17 of either parent of the applicant; otherwise by the guardian
18 having custody of the applicant, or in the event there is no
19 parent or guardian, then by another responsible adult. The
20 written consent must accompany any application for a driver's
21 license under this subsection (b), regardless of whether or not
22 the required written consent also accompanied the person's
23 previous application for an instruction permit.

24 No graduated driver's license shall be issued to any
25 applicant under 18 years of age, unless the applicant is at
26 least 16 years of age and has:

1 (1) Held a valid instruction permit for a minimum of 9
2 months.

3 (2) Passed an approved driver education course and
4 submits proof of having passed the course as may be
5 required.

6 (3) Certification by the parent, legal guardian, or
7 responsible adult that the applicant has had a minimum of
8 50 hours of behind-the-wheel practice time, at least 10
9 hours of which have been at night, and is sufficiently
10 prepared and able to safely operate a motor vehicle.

11 (b-1) No graduated driver's license shall be issued to any
12 applicant who is under 18 years of age and not legally
13 emancipated by marriage, unless the applicant has graduated
14 from a secondary school of this State or any other state, is
15 enrolled in a course leading to a general educational
16 development (GED) certificate, has obtained a GED certificate,
17 is enrolled in an elementary or secondary school or college or
18 university of this State or any other state and is not a
19 chronic or habitual truant as provided in Section 26-2a of the
20 School Code, or is receiving home instruction and submits proof
21 of meeting any of those requirements at the time of
22 application.

23 An applicant under 18 years of age who provides proof
24 acceptable to the Secretary that the applicant has resumed
25 regular school attendance or home instruction or that his or
26 her application was denied in error shall be eligible to

1 receive a graduated license if other requirements are met. The
2 Secretary shall adopt rules for implementing this subsection
3 (b-1).

4 (c) No graduated driver's license or permit shall be issued
5 to any applicant under 18 years of age who has committed the
6 offense of operating a motor vehicle without a valid license or
7 permit in violation of Section 6-101 of this Code or a similar
8 out of state offense and no graduated driver's license or
9 permit shall be issued to any applicant under 18 years of age
10 who has committed an offense that would otherwise result in a
11 mandatory revocation of a license or permit as provided in
12 Section 6-205 of this Code or who has been either convicted of
13 or adjudicated a delinquent based upon a violation of the
14 Cannabis Control Act, the Illinois Controlled Substances Act,
15 the Use of Intoxicating Compounds Act, or the Methamphetamine
16 Control and Community Protection Act while that individual was
17 in actual physical control of a motor vehicle. For purposes of
18 this Section, any person placed on probation under Section 10
19 of the Cannabis Control Act, Section 410 of the Illinois
20 Controlled Substances Act, or Section 70 of the Methamphetamine
21 Control and Community Protection Act shall not be considered
22 convicted. Any person found guilty of this offense, while in
23 actual physical control of a motor vehicle, shall have an entry
24 made in the court record by the judge that this offense did
25 occur while the person was in actual physical control of a
26 motor vehicle and order the clerk of the court to report the

1 violation to the Secretary of State as such.

2 (d) No graduated driver's license shall be issued for 9
3 months to any applicant under the age of 18 years who has
4 committed and subsequently been convicted of an offense against
5 traffic regulations governing the movement of vehicles, ~~or~~ any
6 violation of this Section or Section 12-603.1 of this Code, or
7 who has received a disposition of court supervision for a
8 violation of Section 6-20 of the Illinois Liquor Control Act of
9 1934 or a similar provision of a local ordinance.

10 (e) No graduated driver's license holder under the age of
11 18 years shall operate any motor vehicle, except a motor driven
12 cycle or motorcycle, with more than one passenger in the front
13 seat of the motor vehicle and no more passengers in the back
14 seats than the number of available seat safety belts as set
15 forth in Section 12-603 of this Code. If a graduated driver's
16 license holder over the age of 18 committed an offense against
17 traffic regulations governing the movement of vehicles or any
18 violation of this Section or Section 12-603.1 of this Code in
19 the 6 months prior to the graduated driver's license holder's
20 18th birthday, and was subsequently convicted of the violation,
21 the provisions of this paragraph shall continue to apply until
22 such time as a period of 6 consecutive months has elapsed
23 without an additional violation and subsequent conviction of an
24 offense against traffic regulations governing the movement of
25 vehicles or any violation of this Section or Section 12-603.1
26 of this Code.

1 (f) No graduated driver's license holder under the age of
2 18 shall operate a motor vehicle unless each driver and
3 passenger under the age of 19 is wearing a properly adjusted
4 and fastened seat safety belt and each child under the age of 8
5 is protected as required under the Child Passenger Protection
6 Act. If a graduated driver's license holder over the age of 18
7 committed an offense against traffic regulations governing the
8 movement of vehicles or any violation of this Section or
9 Section 12-603.1 of this Code in the 6 months prior to the
10 graduated driver's license holder's 18th birthday, and was
11 subsequently convicted of the violation, the provisions of this
12 paragraph shall continue to apply until such time as a period
13 of 6 consecutive months has elapsed without an additional
14 violation and subsequent conviction of an offense against
15 traffic regulations governing the movement of vehicles or any
16 violation of this Section or Section 12-603.1 of this Code.

17 (g) If a graduated driver's license holder is under the age
18 of 18 when he or she receives the license, for the first 12
19 months he or she holds the license or until he or she reaches
20 the age of 18, whichever occurs sooner, the graduated license
21 holder may not operate a motor vehicle with more than one
22 passenger in the vehicle who is under the age of 20, unless any
23 additional passenger or passengers are siblings,
24 step-siblings, children, or stepchildren of the driver. If a
25 graduated driver's license holder committed an offense against
26 traffic regulations governing the movement of vehicles or any

1 violation of this Section or Section 12-603.1 of this Code
2 during the first 12 months the license is held and subsequently
3 is convicted of the violation, the provisions of this paragraph
4 shall remain in effect until such time as a period of 6
5 consecutive months has elapsed without an additional violation
6 and subsequent conviction of an offense against traffic
7 regulations governing the movement of vehicles or any violation
8 of this Section or Section 12-603.1 of this Code.

9 (h) It shall be an offense for a person that is age 15, but
10 under age 20, to be a passenger in a vehicle operated by a
11 driver holding a graduated driver's license during the first 12
12 months the driver holds the license or until the driver reaches
13 the age of 18, whichever occurs sooner, if another passenger
14 under the age of 20 is present, excluding a sibling,
15 step-sibling, child, or step-child of the driver.

16 (Source: P.A. 95-310, eff. 1-1-08; 95-331, eff. 8-21-07;
17 96-607, eff. 8-24-09.)

18 (625 ILCS 5/6-113) (from Ch. 95 1/2, par. 6-113)

19 Sec. 6-113. Restricted licenses and permits.

20 (a) The Secretary of State upon issuing a drivers license
21 or permit shall have the authority whenever good cause appears
22 to impose restrictions suitable to the licensee's driving
23 ability with respect to the type of, or special mechanical
24 control devices required on, a motor vehicle which the licensee
25 may operate or such other restrictions applicable to the

1 licensee as the Secretary of State may determine to be
2 appropriate to assure the safe operation of a motor vehicle by
3 the licensee.

4 (b) The Secretary of State may either issue a special
5 restricted license or permit or may set forth such restrictions
6 upon the usual license or permit form.

7 (c) The Secretary of State may issue a probationary license
8 to a person whose driving privileges have been suspended
9 pursuant to subsection (d) of this Section or subsection
10 ~~subsections~~ (a) (2) , ~~(a) (19) and (a) (20)~~ of Section 6-206 of
11 this Code. This subsection (c) does not apply to any driver
12 required to possess a CDL for the purpose of operating a
13 commercial motor vehicle. The Secretary of State shall
14 promulgate rules pursuant to the Illinois Administrative
15 Procedure Act, setting forth the conditions and criteria for
16 the issuance and cancellation of probationary licenses.

17 (d) The Secretary of State may upon receiving satisfactory
18 evidence of any violation of the restrictions of such license
19 or permit suspend, revoke or cancel the same without
20 preliminary hearing, but the licensee or permittee shall be
21 entitled to a hearing as in the case of a suspension or
22 revocation.

23 (e) It is unlawful for any person to operate a motor
24 vehicle in any manner in violation of the restrictions imposed
25 on a restricted license or permit issued to him.

26 (f) Whenever the holder of a restricted driving permit is

1 issued a citation for any of the following offenses including
2 similar local ordinances, the restricted driving permit is
3 immediately invalidated:

4 1. Reckless homicide resulting from the operation of a
5 motor vehicle;

6 2. Violation of Section 11-501 of this Act relating to
7 the operation of a motor vehicle while under the influence
8 of intoxicating liquor or narcotic drugs;

9 3. Violation of Section 11-401 of this Act relating to
10 the offense of leaving the scene of a traffic accident
11 involving death or injury;

12 4. Violation of Section 11-504 of this Act relating to
13 the offense of drag racing; or

14 5. Violation of Section 11-506 of this Act relating to
15 the offense of street racing.

16 The police officer issuing the citation shall confiscate
17 the restricted driving permit and forward it, along with the
18 citation, to the Clerk of the Circuit Court of the county in
19 which the citation was issued.

20 (g) The Secretary of State may issue a special restricted
21 license for a period of 12 months to individuals using vision
22 aid arrangements other than standard eyeglasses or contact
23 lenses, allowing the operation of a motor vehicle during
24 nighttime hours. The Secretary of State shall adopt rules
25 defining the terms and conditions by which the individual may
26 obtain and renew this special restricted license. At a minimum,

1 all drivers must meet the following requirements:

2 1. Possess a valid driver's license and have operated a
3 motor vehicle during daylight hours for a period of 12
4 months using vision aid arrangements other than standard
5 eyeglasses or contact lenses.

6 2. Have a driving record that does not include any
7 traffic accidents that occurred during nighttime hours,
8 for which the driver has been found to be at fault, during
9 the 12 months before he or she applied for the special
10 restricted license.

11 3. Successfully complete a road test administered
12 during nighttime hours.

13 At a minimum, all drivers renewing this license must meet
14 the following requirements:

15 1. Successfully complete a road test administered
16 during nighttime hours.

17 2. Have a driving record that does not include any
18 traffic accidents that occurred during nighttime hours,
19 for which the driver has been found to be at fault, during
20 the 12 months before he or she applied for the special
21 restricted license.

22 (h) Any driver issued a special restricted license as
23 defined in subsection (g) whose privilege to drive during
24 nighttime hours has been suspended due to an accident occurring
25 during nighttime hours may request a hearing as provided in
26 Section 2-118 of this Code to contest that suspension. If it is

1 determined that the accident for which the driver was at fault
2 was not influenced by the driver's use of vision aid
3 arrangements other than standard eyeglasses or contact lenses,
4 the Secretary may reinstate that driver's privilege to drive
5 during nighttime hours.

6 (Source: P.A. 95-310, eff. 1-1-08; 95-382, eff. 8-23-07;
7 95-876, eff. 8-21-08.)

8 (625 ILCS 5/6-201)

9 Sec. 6-201. Authority to cancel licenses and permits.

10 (a) The Secretary of State is authorized to cancel any
11 license or permit upon determining that the holder thereof:

12 1. was not entitled to the issuance thereof hereunder;

13 or

14 2. failed to give the required or correct information
15 in his application; or

16 3. failed to pay any fees, civil penalties owed to the
17 Illinois Commerce Commission, or taxes due under this Act
18 and upon reasonable notice and demand; or

19 4. committed any fraud in the making of such
20 application; or

21 5. is ineligible therefor under the provisions of
22 Section 6-103 of this Act, as amended; or

23 6. has refused or neglected to submit an alcohol, drug,
24 and intoxicating compound evaluation or to submit to
25 examination or re-examination as required under this Act;

1 or

2 7. has been convicted of violating the Cannabis Control
3 Act, the Illinois Controlled Substances Act, the
4 Methamphetamine Control and Community Protection Act, or
5 the Use of Intoxicating Compounds Act while that individual
6 was in actual physical control of a motor vehicle. For
7 purposes of this Section, any person placed on probation
8 under Section 10 of the Cannabis Control Act, Section 410
9 of the Illinois Controlled Substances Act, or Section 70 of
10 the Methamphetamine Control and Community Protection Act
11 shall not be considered convicted. Any person found guilty
12 of this offense, while in actual physical control of a
13 motor vehicle, shall have an entry made in the court record
14 by the judge that this offense did occur while the person
15 was in actual physical control of a motor vehicle and order
16 the clerk of the court to report the violation to the
17 Secretary of State as such. After the cancellation, the
18 Secretary of State shall not issue a new license or permit
19 for a period of one year after the date of cancellation.
20 However, upon application, the Secretary of State may, if
21 satisfied that the person applying will not endanger the
22 public safety, or welfare, issue a restricted driving
23 permit granting the privilege of driving a motor vehicle
24 between the petitioner's residence and petitioner's place
25 of employment or within the scope of the petitioner's
26 employment related duties, or to allow transportation for

1 the petitioner or a household member of the petitioner's
2 family for the receipt of necessary medical care, or
3 provide transportation for the petitioner to and from
4 alcohol or drug remedial or rehabilitative activity
5 recommended by a licensed service provider, or for the
6 petitioner to attend classes, as a student, in an
7 accredited educational institution. The petitioner must
8 demonstrate that no alternative means of transportation is
9 reasonably available; provided that the Secretary's
10 discretion shall be limited to cases where undue hardship,
11 as defined by the rules of the Secretary of State, would
12 result from a failure to issue such restricted driving
13 permit. In each case the Secretary of State may issue such
14 restricted driving permit for such period as he deems
15 appropriate, except that such permit shall expire within
16 one year from the date of issuance. A restricted driving
17 permit issued hereunder shall be subject to cancellation,
18 revocation and suspension by the Secretary of State in like
19 manner and for like cause as a driver's license issued
20 hereunder may be cancelled, revoked or suspended; except
21 that a conviction upon one or more offenses against laws or
22 ordinances regulating the movement of traffic shall be
23 deemed sufficient cause for the revocation, suspension or
24 cancellation of a restricted driving permit. The Secretary
25 of State may, as a condition to the issuance of a
26 restricted driving permit, require the applicant to

1 participate in a driver remedial or rehabilitative
2 program. In accordance with 49 C.F.R. 384, the Secretary of
3 State may not issue a restricted driving permit for the
4 operation of a commercial motor vehicle to a person holding
5 a CDL whose driving privileges have been revoked,
6 suspended, cancelled, or disqualified under this Code; or

7 8. failed to submit a report as required by Section
8 6-116.5 of this Code; or

9 9. has been convicted of a sex offense as defined in
10 the Sex Offender Registration Act. The driver's license
11 shall remain cancelled until the driver registers as a sex
12 offender as required by the Sex Offender Registration Act,
13 proof of the registration is furnished to the Secretary of
14 State and the sex offender provides proof of current
15 address to the Secretary; or

16 10. is ineligible for a license or permit under Section
17 6-107, 6-107.1, or 6-108 of this Code; or

18 11. refused or neglected to appear at a Driver Services
19 facility to have the license or permit corrected and a new
20 license or permit issued or to present documentation for
21 verification of identity.

22 (b) Upon such cancellation the licensee or permittee must
23 surrender the license or permit so cancelled to the Secretary
24 of State.

25 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
26 Secretary of State shall have exclusive authority to grant,

1 issue, deny, cancel, suspend and revoke driving privileges,
2 drivers' licenses and restricted driving permits.

3 (d) The Secretary of State may adopt rules to implement
4 this Section.

5 (Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07;
6 94-993, eff. 1-1-07; 95-331, eff. 8-21-07; 95-382, eff.
7 8-23-07; 95-627, eff. 6-1-08; 95-876, eff. 8-21-08.)

8 (625 ILCS 5/6-206)

9 (Text of Section before amendment by P.A. 96-1344)

10 Sec. 6-206. Discretionary authority to suspend or revoke
11 license or permit; Right to a hearing.

12 (a) The Secretary of State is authorized to suspend or
13 revoke the driving privileges of any person without preliminary
14 hearing upon a showing of the person's records or other
15 sufficient evidence that the person:

16 1. Has committed an offense for which mandatory
17 revocation of a driver's license or permit is required upon
18 conviction;

19 2. Has been convicted of not less than 3 offenses
20 against traffic regulations governing the movement of
21 vehicles committed within any 12 month period. No
22 revocation or suspension shall be entered more than 6
23 months after the date of last conviction;

24 3. Has been repeatedly involved as a driver in motor
25 vehicle collisions or has been repeatedly convicted of

1 offenses against laws and ordinances regulating the
2 movement of traffic, to a degree that indicates lack of
3 ability to exercise ordinary and reasonable care in the
4 safe operation of a motor vehicle or disrespect for the
5 traffic laws and the safety of other persons upon the
6 highway;

7 4. Has by the unlawful operation of a motor vehicle
8 caused or contributed to an accident resulting in injury
9 requiring immediate professional treatment in a medical
10 facility or doctor's office to any person, except that any
11 suspension or revocation imposed by the Secretary of State
12 under the provisions of this subsection shall start no
13 later than 6 months after being convicted of violating a
14 law or ordinance regulating the movement of traffic, which
15 violation is related to the accident, or shall start not
16 more than one year after the date of the accident,
17 whichever date occurs later;

18 5. Has permitted an unlawful or fraudulent use of a
19 driver's license, identification card, or permit;

20 6. Has been lawfully convicted of an offense or
21 offenses in another state, including the authorization
22 contained in Section 6-203.1, which if committed within
23 this State would be grounds for suspension or revocation;

24 7. Has refused or failed to submit to an examination
25 provided for by Section 6-207 or has failed to pass the
26 examination;

1 8. Is ineligible for a driver's license or permit under
2 the provisions of Section 6-103;

3 9. Has made a false statement or knowingly concealed a
4 material fact or has used false information or
5 identification in any application for a license,
6 identification card, or permit;

7 10. Has possessed, displayed, or attempted to
8 fraudulently use any license, identification card, or
9 permit not issued to the person;

10 11. Has operated a motor vehicle upon a highway of this
11 State when the person's driving privilege or privilege to
12 obtain a driver's license or permit was revoked or
13 suspended unless the operation was authorized by a
14 monitoring device driving permit, judicial driving permit
15 issued prior to January 1, 2009, probationary license to
16 drive, or a restricted driving permit issued under this
17 Code;

18 12. Has submitted to any portion of the application
19 process for another person or has obtained the services of
20 another person to submit to any portion of the application
21 process for the purpose of obtaining a license,
22 identification card, or permit for some other person;

23 13. Has operated a motor vehicle upon a highway of this
24 State when the person's driver's license or permit was
25 invalid under the provisions of Sections 6-107.1 and 6-110;

26 14. Has committed a violation of Section 6-301,

1 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
2 of the Illinois Identification Card Act;

3 15. Has been convicted of violating Section 21-2 of the
4 Criminal Code of 1961 relating to criminal trespass to
5 vehicles in which case, the suspension shall be for one
6 year;

7 16. Has been convicted of violating Section 11-204 of
8 this Code relating to fleeing from a peace officer;

9 17. Has refused to submit to a test, or tests, as
10 required under Section 11-501.1 of this Code and the person
11 has not sought a hearing as provided for in Section
12 11-501.1;

13 18. Has, since issuance of a driver's license or
14 permit, been adjudged to be afflicted with or suffering
15 from any mental disability or disease;

16 19. Has committed a violation of paragraph (a) or (b)
17 of Section 6-101 relating to driving without a driver's
18 license;

19 20. Has been convicted of violating Section 6-104
20 relating to classification of driver's license;

21 21. Has been convicted of violating Section 11-402 of
22 this Code relating to leaving the scene of an accident
23 resulting in damage to a vehicle in excess of \$1,000, in
24 which case the suspension shall be for one year;

25 22. Has used a motor vehicle in violating paragraph
26 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of

1 the Criminal Code of 1961 relating to unlawful use of
2 weapons, in which case the suspension shall be for one
3 year;

4 23. Has, as a driver, been convicted of committing a
5 violation of paragraph (a) of Section 11-502 of this Code
6 for a second or subsequent time within one year of a
7 similar violation;

8 24. Has been convicted by a court-martial or punished
9 by non-judicial punishment by military authorities of the
10 United States at a military installation in Illinois of or
11 for a traffic related offense that is the same as or
12 similar to an offense specified under Section 6-205 or
13 6-206 of this Code;

14 25. Has permitted any form of identification to be used
15 by another in the application process in order to obtain or
16 attempt to obtain a license, identification card, or
17 permit;

18 26. Has altered or attempted to alter a license or has
19 possessed an altered license, identification card, or
20 permit;

21 27. Has violated Section 6-16 of the Liquor Control Act
22 of 1934;

23 28. Has been convicted of the illegal possession, while
24 operating or in actual physical control, as a driver, of a
25 motor vehicle, of any controlled substance prohibited
26 under the Illinois Controlled Substances Act, any cannabis

1 prohibited under the Cannabis Control Act, or any
2 methamphetamine prohibited under the Methamphetamine
3 Control and Community Protection Act, in which case the
4 person's driving privileges shall be suspended for one
5 year, and any driver who is convicted of a second or
6 subsequent offense, within 5 years of a previous
7 conviction, for the illegal possession, while operating or
8 in actual physical control, as a driver, of a motor
9 vehicle, of any controlled substance prohibited under the
10 Illinois Controlled Substances Act, any cannabis
11 prohibited under the Cannabis Control Act, or any
12 methamphetamine prohibited under the Methamphetamine
13 Control and Community Protection Act shall be suspended for
14 5 years. Any defendant found guilty of this offense while
15 operating a motor vehicle, shall have an entry made in the
16 court record by the presiding judge that this offense did
17 occur while the defendant was operating a motor vehicle and
18 order the clerk of the court to report the violation to the
19 Secretary of State;

20 29. Has been convicted of the following offenses that
21 were committed while the person was operating or in actual
22 physical control, as a driver, of a motor vehicle: criminal
23 sexual assault, predatory criminal sexual assault of a
24 child, aggravated criminal sexual assault, criminal sexual
25 abuse, aggravated criminal sexual abuse, juvenile pimping,
26 soliciting for a juvenile prostitute and the manufacture,

1 sale or delivery of controlled substances or instruments
2 used for illegal drug use or abuse in which case the
3 driver's driving privileges shall be suspended for one
4 year;

5 30. Has been convicted a second or subsequent time for
6 any combination of the offenses named in paragraph 29 of
7 this subsection, in which case the person's driving
8 privileges shall be suspended for 5 years;

9 31. Has refused to submit to a test as required by
10 Section 11-501.6 or has submitted to a test resulting in an
11 alcohol concentration of 0.08 or more or any amount of a
12 drug, substance, or compound resulting from the unlawful
13 use or consumption of cannabis as listed in the Cannabis
14 Control Act, a controlled substance as listed in the
15 Illinois Controlled Substances Act, an intoxicating
16 compound as listed in the Use of Intoxicating Compounds
17 Act, or methamphetamine as listed in the Methamphetamine
18 Control and Community Protection Act, in which case the
19 penalty shall be as prescribed in Section 6-208.1;

20 32. Has been convicted of Section 24-1.2 of the
21 Criminal Code of 1961 relating to the aggravated discharge
22 of a firearm if the offender was located in a motor vehicle
23 at the time the firearm was discharged, in which case the
24 suspension shall be for 3 years;

25 33. Has as a driver, who was less than 21 years of age
26 on the date of the offense, been convicted a first time of

1 a violation of paragraph (a) of Section 11-502 of this Code
2 or a similar provision of a local ordinance;

3 34. Has committed a violation of Section 11-1301.5 of
4 this Code;

5 35. Has committed a violation of Section 11-1301.6 of
6 this Code;

7 36. Is under the age of 21 years at the time of arrest
8 and has been convicted of not less than 2 offenses against
9 traffic regulations governing the movement of vehicles
10 committed within any 24 month period. No revocation or
11 suspension shall be entered more than 6 months after the
12 date of last conviction;

13 37. Has committed a violation of subsection (c) of
14 Section 11-907 of this Code that resulted in damage to the
15 property of another or the death or injury of another;

16 38. Has been convicted of a violation of Section 6-20
17 of the Liquor Control Act of 1934 or a similar provision of
18 a local ordinance;

19 39. Has committed a second or subsequent violation of
20 Section 11-1201 of this Code;

21 40. Has committed a violation of subsection (a-1) of
22 Section 11-908 of this Code;

23 41. Has committed a second or subsequent violation of
24 Section 11-605.1 of this Code, a similar provision of a
25 local ordinance, or a similar violation in any other state
26 within 2 years of the date of the previous violation, in

1 which case the suspension shall be for 90 days;

2 42. Has committed a violation of subsection (a-1) of
3 Section 11-1301.3 of this Code;

4 43. Has received a disposition of court supervision for
5 a violation of subsection (a), (d), or (e) of Section 6-20
6 of the Liquor Control Act of 1934 or a similar provision of
7 a local ordinance, in which case the suspension shall be
8 for a period of 3 months;

9 44. Is under the age of 21 years at the time of arrest
10 and has been convicted of an offense against traffic
11 regulations governing the movement of vehicles after
12 having previously had his or her driving privileges
13 suspended or revoked pursuant to subparagraph 36 of this
14 Section; or

15 45. Has, in connection with or during the course of a
16 formal hearing conducted under Section 2-118 of this Code:
17 (i) committed perjury; (ii) submitted fraudulent or
18 falsified documents; (iii) submitted documents that have
19 been materially altered; or (iv) submitted, as his or her
20 own, documents that were in fact prepared or composed for
21 another person.

22 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
23 and 27 of this subsection, license means any driver's license,
24 any traffic ticket issued when the person's driver's license is
25 deposited in lieu of bail, a suspension notice issued by the
26 Secretary of State, a duplicate or corrected driver's license,

1 a probationary driver's license or a temporary driver's
2 license.

3 (b) If any conviction forming the basis of a suspension or
4 revocation authorized under this Section is appealed, the
5 Secretary of State may rescind or withhold the entry of the
6 order of suspension or revocation, as the case may be, provided
7 that a certified copy of a stay order of a court is filed with
8 the Secretary of State. If the conviction is affirmed on
9 appeal, the date of the conviction shall relate back to the
10 time the original judgment of conviction was entered and the 6
11 month limitation prescribed shall not apply.

12 (c) 1. Upon suspending or revoking the driver's license or
13 permit of any person as authorized in this Section, the
14 Secretary of State shall immediately notify the person in
15 writing of the revocation or suspension. The notice to be
16 deposited in the United States mail, postage prepaid, to the
17 last known address of the person.

18 2. If the Secretary of State suspends the driver's
19 license of a person under subsection 2 of paragraph (a) of
20 this Section, a person's privilege to operate a vehicle as
21 an occupation shall not be suspended, provided an affidavit
22 is properly completed, the appropriate fee received, and a
23 permit issued prior to the effective date of the
24 suspension, unless 5 offenses were committed, at least 2 of
25 which occurred while operating a commercial vehicle in
26 connection with the driver's regular occupation. All other

1 driving privileges shall be suspended by the Secretary of
2 State. Any driver prior to operating a vehicle for
3 occupational purposes only must submit the affidavit on
4 forms to be provided by the Secretary of State setting
5 forth the facts of the person's occupation. The affidavit
6 shall also state the number of offenses committed while
7 operating a vehicle in connection with the driver's regular
8 occupation. The affidavit shall be accompanied by the
9 driver's license. Upon receipt of a properly completed
10 affidavit, the Secretary of State shall issue the driver a
11 permit to operate a vehicle in connection with the driver's
12 regular occupation only. Unless the permit is issued by the
13 Secretary of State prior to the date of suspension, the
14 privilege to drive any motor vehicle shall be suspended as
15 set forth in the notice that was mailed under this Section.
16 If an affidavit is received subsequent to the effective
17 date of this suspension, a permit may be issued for the
18 remainder of the suspension period.

19 The provisions of this subparagraph shall not apply to
20 any driver required to possess a CDL for the purpose of
21 operating a commercial motor vehicle.

22 Any person who falsely states any fact in the affidavit
23 required herein shall be guilty of perjury under Section
24 6-302 and upon conviction thereof shall have all driving
25 privileges revoked without further rights.

26 3. At the conclusion of a hearing under Section 2-118

1 of this Code, the Secretary of State shall either rescind
2 or continue an order of revocation or shall substitute an
3 order of suspension; or, good cause appearing therefor,
4 rescind, continue, change, or extend the order of
5 suspension. If the Secretary of State does not rescind the
6 order, the Secretary may upon application, to relieve undue
7 hardship (as defined by the rules of the Secretary of
8 State), issue a restricted driving permit granting the
9 privilege of driving a motor vehicle between the
10 petitioner's residence and petitioner's place of
11 employment or within the scope of the petitioner's
12 employment related duties, or to allow the petitioner to
13 transport himself or herself, or a family member of the
14 petitioner's household to a medical facility, to receive
15 necessary medical care, to allow the petitioner to
16 transport himself or herself to and from alcohol or drug
17 remedial or rehabilitative activity recommended by a
18 licensed service provider, or to allow the petitioner to
19 transport himself or herself or a family member of the
20 petitioner's household to classes, as a student, at an
21 accredited educational institution, or to allow the
22 petitioner to transport children, elderly persons, or
23 disabled persons who do not hold driving privileges and are
24 living in the petitioner's household to and from daycare.
25 The petitioner must demonstrate that no alternative means
26 of transportation is reasonably available and that the

1 petitioner will not endanger the public safety or welfare.
2 Those multiple offenders identified in subdivision (b)4 of
3 Section 6-208 of this Code, however, shall not be eligible
4 for the issuance of a restricted driving permit.

5 (A) If a person's license or permit is revoked or
6 suspended due to 2 or more convictions of violating
7 Section 11-501 of this Code or a similar provision of a
8 local ordinance or a similar out-of-state offense, or
9 Section 9-3 of the Criminal Code of 1961, where the use
10 of alcohol or other drugs is recited as an element of
11 the offense, or a similar out-of-state offense, or a
12 combination of these offenses, arising out of separate
13 occurrences, that person, if issued a restricted
14 driving permit, may not operate a vehicle unless it has
15 been equipped with an ignition interlock device as
16 defined in Section 1-129.1.

17 (B) If a person's license or permit is revoked or
18 suspended 2 or more times within a 10 year period due
19 to any combination of:

20 (i) a single conviction of violating Section
21 11-501 of this Code or a similar provision of a
22 local ordinance or a similar out-of-state offense
23 or Section 9-3 of the Criminal Code of 1961, where
24 the use of alcohol or other drugs is recited as an
25 element of the offense, or a similar out-of-state
26 offense; or

1 (ii) a statutory summary suspension under
2 Section 11-501.1; or

3 (iii) a suspension under Section 6-203.1;
4 arising out of separate occurrences; that person, if
5 issued a restricted driving permit, may not operate a
6 vehicle unless it has been equipped with an ignition
7 interlock device as defined in Section 1-129.1.

8 (C) The person issued a permit conditioned upon the
9 use of an ignition interlock device must pay to the
10 Secretary of State DUI Administration Fund an amount
11 not to exceed \$30 per month. The Secretary shall
12 establish by rule the amount and the procedures, terms,
13 and conditions relating to these fees.

14 (D) If the restricted driving permit is issued for
15 employment purposes, then the prohibition against
16 operating a motor vehicle that is not equipped with an
17 ignition interlock device does not apply to the
18 operation of an occupational vehicle owned or leased by
19 that person's employer when used solely for employment
20 purposes.

21 (E) In each case the Secretary may issue a
22 restricted driving permit for a period deemed
23 appropriate, except that all permits shall expire
24 within one year from the date of issuance. The
25 Secretary may not, however, issue a restricted driving
26 permit to any person whose current revocation is the

1 result of a second or subsequent conviction for a
2 violation of Section 11-501 of this Code or a similar
3 provision of a local ordinance or any similar
4 out-of-state offense, or Section 9-3 of the Criminal
5 Code of 1961, where the use of alcohol or other drugs
6 is recited as an element of the offense, or any similar
7 out-of-state offense, or any combination of those
8 offenses, until the expiration of at least one year
9 from the date of the revocation. A restricted driving
10 permit issued under this Section shall be subject to
11 cancellation, revocation, and suspension by the
12 Secretary of State in like manner and for like cause as
13 a driver's license issued under this Code may be
14 cancelled, revoked, or suspended; except that a
15 conviction upon one or more offenses against laws or
16 ordinances regulating the movement of traffic shall be
17 deemed sufficient cause for the revocation,
18 suspension, or cancellation of a restricted driving
19 permit. The Secretary of State may, as a condition to
20 the issuance of a restricted driving permit, require
21 the applicant to participate in a designated driver
22 remedial or rehabilitative program. The Secretary of
23 State is authorized to cancel a restricted driving
24 permit if the permit holder does not successfully
25 complete the program.

26 (c-3) In the case of a suspension under paragraph 43 of

1 subsection (a), reports received by the Secretary of State
2 under this Section shall, except during the actual time the
3 suspension is in effect, be privileged information and for use
4 only by the courts, police officers, prosecuting authorities,
5 the driver licensing administrator of any other state, the
6 Secretary of State, or the parent or legal guardian of a driver
7 under the age of 18. However, beginning January 1, 2008, if the
8 person is a CDL holder, the suspension shall also be made
9 available to the driver licensing administrator of any other
10 state, the U.S. Department of Transportation, and the affected
11 driver or motor carrier or prospective motor carrier upon
12 request.

13 (c-4) In the case of a suspension under paragraph 43 of
14 subsection (a), the Secretary of State shall notify the person
15 by mail that his or her driving privileges and driver's license
16 will be suspended one month after the date of the mailing of
17 the notice.

18 (c-5) The Secretary of State may, as a condition of the
19 reissuance of a driver's license or permit to an applicant
20 whose driver's license or permit has been suspended before he
21 or she reached the age of 21 years pursuant to any of the
22 provisions of this Section, require the applicant to
23 participate in a driver remedial education course and be
24 retested under Section 6-109 of this Code.

25 (d) This Section is subject to the provisions of the
26 Drivers License Compact.

1 (e) The Secretary of State shall not issue a restricted
2 driving permit to a person under the age of 16 years whose
3 driving privileges have been suspended or revoked under any
4 provisions of this Code.

5 (f) In accordance with 49 C.F.R. 384, the Secretary of
6 State may not issue a restricted driving permit for the
7 operation of a commercial motor vehicle to a person holding a
8 CDL whose driving privileges have been suspended, revoked,
9 cancelled, or disqualified under any provisions of this Code.

10 (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,
11 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,
12 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,
13 eff. 8-11-09; 96-607, eff. 8-24-09; 96-1180, eff. 1-1-11;
14 96-1305, eff. 1-1-11; revised 9-2-10.)

15 (Text of Section after amendment by P.A. 96-1344)

16 Sec. 6-206. Discretionary authority to suspend or revoke
17 license or permit; Right to a hearing.

18 (a) The Secretary of State is authorized to suspend or
19 revoke the driving privileges of any person without preliminary
20 hearing upon a showing of the person's records or other
21 sufficient evidence that the person:

22 1. Has committed an offense for which mandatory
23 revocation of a driver's license or permit is required upon
24 conviction;

25 2. Has been convicted of not less than 3 offenses

1 against traffic regulations governing the movement of
2 vehicles committed within any 12 month period. No
3 revocation or suspension shall be entered more than 6
4 months after the date of last conviction;

5 3. Has been repeatedly involved as a driver in motor
6 vehicle collisions or has been repeatedly convicted of
7 offenses against laws and ordinances regulating the
8 movement of traffic, to a degree that indicates lack of
9 ability to exercise ordinary and reasonable care in the
10 safe operation of a motor vehicle or disrespect for the
11 traffic laws and the safety of other persons upon the
12 highway;

13 4. Has by the unlawful operation of a motor vehicle
14 caused or contributed to an accident resulting in injury
15 requiring immediate professional treatment in a medical
16 facility or doctor's office to any person, except that any
17 suspension or revocation imposed by the Secretary of State
18 under the provisions of this subsection shall start no
19 later than 6 months after being convicted of violating a
20 law or ordinance regulating the movement of traffic, which
21 violation is related to the accident, or shall start not
22 more than one year after the date of the accident,
23 whichever date occurs later;

24 5. Has permitted an unlawful or fraudulent use of a
25 driver's license, identification card, or permit;

26 6. Has been lawfully convicted of an offense or

1 offenses in another state, including the authorization
2 contained in Section 6-203.1, which if committed within
3 this State would be grounds for suspension or revocation;

4 7. Has refused or failed to submit to an examination
5 provided for by Section 6-207 or has failed to pass the
6 examination;

7 8. Is ineligible for a driver's license or permit under
8 the provisions of Section 6-103;

9 9. Has made a false statement or knowingly concealed a
10 material fact or has used false information or
11 identification in any application for a license,
12 identification card, or permit;

13 10. Has possessed, displayed, or attempted to
14 fraudulently use any license, identification card, or
15 permit not issued to the person;

16 11. Has operated a motor vehicle upon a highway of this
17 State when the person's driving privilege or privilege to
18 obtain a driver's license or permit was revoked or
19 suspended unless the operation was authorized by a
20 monitoring device driving permit, judicial driving permit
21 issued prior to January 1, 2009, probationary license to
22 drive, or a restricted driving permit issued under this
23 Code;

24 12. Has submitted to any portion of the application
25 process for another person or has obtained the services of
26 another person to submit to any portion of the application

1 process for the purpose of obtaining a license,
2 identification card, or permit for some other person;

3 13. Has operated a motor vehicle upon a highway of this
4 State when the person's driver's license or permit was
5 invalid under the provisions of Sections 6-107.1 and 6-110;

6 14. Has committed a violation of Section 6-301,
7 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
8 of the Illinois Identification Card Act;

9 15. Has been convicted of violating Section 21-2 of the
10 Criminal Code of 1961 relating to criminal trespass to
11 vehicles in which case, the suspension shall be for one
12 year;

13 16. Has been convicted of violating Section 11-204 of
14 this Code relating to fleeing from a peace officer;

15 17. Has refused to submit to a test, or tests, as
16 required under Section 11-501.1 of this Code and the person
17 has not sought a hearing as provided for in Section
18 11-501.1;

19 18. Has, since issuance of a driver's license or
20 permit, been adjudged to be afflicted with or suffering
21 from any mental disability or disease;

22 19. Has committed a violation of paragraph (a) or (b)
23 of Section 6-101 relating to driving without a driver's
24 license;

25 20. Has been convicted of violating Section 6-104
26 relating to classification of driver's license;

1 21. Has been convicted of violating Section 11-402 of
2 this Code relating to leaving the scene of an accident
3 resulting in damage to a vehicle in excess of \$1,000, in
4 which case the suspension shall be for one year;

5 22. Has used a motor vehicle in violating paragraph
6 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
7 the Criminal Code of 1961 relating to unlawful use of
8 weapons, in which case the suspension shall be for one
9 year;

10 23. Has, as a driver, been convicted of committing a
11 violation of paragraph (a) of Section 11-502 of this Code
12 for a second or subsequent time within one year of a
13 similar violation;

14 24. Has been convicted by a court-martial or punished
15 by non-judicial punishment by military authorities of the
16 United States at a military installation in Illinois of or
17 for a traffic related offense that is the same as or
18 similar to an offense specified under Section 6-205 or
19 6-206 of this Code;

20 25. Has permitted any form of identification to be used
21 by another in the application process in order to obtain or
22 attempt to obtain a license, identification card, or
23 permit;

24 26. Has altered or attempted to alter a license or has
25 possessed an altered license, identification card, or
26 permit;

1 27. Has violated Section 6-16 of the Liquor Control Act
2 of 1934;

3 28. Has been convicted of the illegal possession, while
4 operating or in actual physical control, as a driver, of a
5 motor vehicle, of any controlled substance prohibited
6 under the Illinois Controlled Substances Act, any cannabis
7 prohibited under the Cannabis Control Act, or any
8 methamphetamine prohibited under the Methamphetamine
9 Control and Community Protection Act, in which case the
10 person's driving privileges shall be suspended for one
11 year, and any driver who is convicted of a second or
12 subsequent offense, within 5 years of a previous
13 conviction, for the illegal possession, while operating or
14 in actual physical control, as a driver, of a motor
15 vehicle, of any controlled substance prohibited under the
16 Illinois Controlled Substances Act, any cannabis
17 prohibited under the Cannabis Control Act, or any
18 methamphetamine prohibited under the Methamphetamine
19 Control and Community Protection Act shall be suspended for
20 5 years. Any defendant found guilty of this offense while
21 operating a motor vehicle, shall have an entry made in the
22 court record by the presiding judge that this offense did
23 occur while the defendant was operating a motor vehicle and
24 order the clerk of the court to report the violation to the
25 Secretary of State;

26 29. Has been convicted of the following offenses that

1 were committed while the person was operating or in actual
2 physical control, as a driver, of a motor vehicle: criminal
3 sexual assault, predatory criminal sexual assault of a
4 child, aggravated criminal sexual assault, criminal sexual
5 abuse, aggravated criminal sexual abuse, juvenile pimping,
6 soliciting for a juvenile prostitute and the manufacture,
7 sale or delivery of controlled substances or instruments
8 used for illegal drug use or abuse in which case the
9 driver's driving privileges shall be suspended for one
10 year;

11 30. Has been convicted a second or subsequent time for
12 any combination of the offenses named in paragraph 29 of
13 this subsection, in which case the person's driving
14 privileges shall be suspended for 5 years;

15 31. Has refused to submit to a test as required by
16 Section 11-501.6 or has submitted to a test resulting in an
17 alcohol concentration of 0.08 or more or any amount of a
18 drug, substance, or compound resulting from the unlawful
19 use or consumption of cannabis as listed in the Cannabis
20 Control Act, a controlled substance as listed in the
21 Illinois Controlled Substances Act, an intoxicating
22 compound as listed in the Use of Intoxicating Compounds
23 Act, or methamphetamine as listed in the Methamphetamine
24 Control and Community Protection Act, in which case the
25 penalty shall be as prescribed in Section 6-208.1;

26 32. Has been convicted of Section 24-1.2 of the

1 Criminal Code of 1961 relating to the aggravated discharge
2 of a firearm if the offender was located in a motor vehicle
3 at the time the firearm was discharged, in which case the
4 suspension shall be for 3 years;

5 33. Has as a driver, who was less than 21 years of age
6 on the date of the offense, been convicted a first time of
7 a violation of paragraph (a) of Section 11-502 of this Code
8 or a similar provision of a local ordinance;

9 34. Has committed a violation of Section 11-1301.5 of
10 this Code;

11 35. Has committed a violation of Section 11-1301.6 of
12 this Code;

13 36. Is under the age of 21 years at the time of arrest
14 and has been convicted of not less than 2 offenses against
15 traffic regulations governing the movement of vehicles
16 committed within any 24 month period. No revocation or
17 suspension shall be entered more than 6 months after the
18 date of last conviction;

19 37. Has committed a violation of subsection (c) of
20 Section 11-907 of this Code that resulted in damage to the
21 property of another or the death or injury of another;

22 38. Has been convicted of a violation of Section 6-20
23 of the Liquor Control Act of 1934 or a similar provision of
24 a local ordinance;

25 39. Has committed a second or subsequent violation of
26 Section 11-1201 of this Code;

1 40. Has committed a violation of subsection (a-1) of
2 Section 11-908 of this Code;

3 41. Has committed a second or subsequent violation of
4 Section 11-605.1 of this Code, a similar provision of a
5 local ordinance, or a similar violation in any other state
6 within 2 years of the date of the previous violation, in
7 which case the suspension shall be for 90 days;

8 42. Has committed a violation of subsection (a-1) of
9 Section 11-1301.3 of this Code;

10 43. Has received a disposition of court supervision for
11 a violation of subsection (a), (d), or (e) of Section 6-20
12 of the Liquor Control Act of 1934 or a similar provision of
13 a local ordinance, in which case the suspension shall be
14 for a period of 3 months;

15 44. Is under the age of 21 years at the time of arrest
16 and has been convicted of an offense against traffic
17 regulations governing the movement of vehicles after
18 having previously had his or her driving privileges
19 suspended or revoked pursuant to subparagraph 36 of this
20 Section; or

21 45. Has, in connection with or during the course of a
22 formal hearing conducted under Section 2-118 of this Code:
23 (i) committed perjury; (ii) submitted fraudulent or
24 falsified documents; (iii) submitted documents that have
25 been materially altered; or (iv) submitted, as his or her
26 own, documents that were in fact prepared or composed for

1 another person.

2 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
3 and 27 of this subsection, license means any driver's license,
4 any traffic ticket issued when the person's driver's license is
5 deposited in lieu of bail, a suspension notice issued by the
6 Secretary of State, a duplicate or corrected driver's license,
7 a probationary driver's license or a temporary driver's
8 license.

9 (b) If any conviction forming the basis of a suspension or
10 revocation authorized under this Section is appealed, the
11 Secretary of State may rescind or withhold the entry of the
12 order of suspension or revocation, as the case may be, provided
13 that a certified copy of a stay order of a court is filed with
14 the Secretary of State. If the conviction is affirmed on
15 appeal, the date of the conviction shall relate back to the
16 time the original judgment of conviction was entered and the 6
17 month limitation prescribed shall not apply.

18 (c) 1. Upon suspending or revoking the driver's license or
19 permit of any person as authorized in this Section, the
20 Secretary of State shall immediately notify the person in
21 writing of the revocation or suspension. The notice to be
22 deposited in the United States mail, postage prepaid, to the
23 last known address of the person.

24 2. If the Secretary of State suspends the driver's
25 license of a person under subsection 2 of paragraph (a) of
26 this Section, a person's privilege to operate a vehicle as

1 an occupation shall not be suspended, provided an affidavit
2 is properly completed, the appropriate fee received, and a
3 permit issued prior to the effective date of the
4 suspension, unless 5 offenses were committed, at least 2 of
5 which occurred while operating a commercial vehicle in
6 connection with the driver's regular occupation. All other
7 driving privileges shall be suspended by the Secretary of
8 State. Any driver prior to operating a vehicle for
9 occupational purposes only must submit the affidavit on
10 forms to be provided by the Secretary of State setting
11 forth the facts of the person's occupation. The affidavit
12 shall also state the number of offenses committed while
13 operating a vehicle in connection with the driver's regular
14 occupation. The affidavit shall be accompanied by the
15 driver's license. Upon receipt of a properly completed
16 affidavit, the Secretary of State shall issue the driver a
17 permit to operate a vehicle in connection with the driver's
18 regular occupation only. Unless the permit is issued by the
19 Secretary of State prior to the date of suspension, the
20 privilege to drive any motor vehicle shall be suspended as
21 set forth in the notice that was mailed under this Section.
22 If an affidavit is received subsequent to the effective
23 date of this suspension, a permit may be issued for the
24 remainder of the suspension period.

25 The provisions of this subparagraph shall not apply to
26 any driver required to possess a CDL for the purpose of

1 operating a commercial motor vehicle.

2 Any person who falsely states any fact in the affidavit
3 required herein shall be guilty of perjury under Section
4 6-302 and upon conviction thereof shall have all driving
5 privileges revoked without further rights.

6 3. At the conclusion of a hearing under Section 2-118
7 of this Code, the Secretary of State shall either rescind
8 or continue an order of revocation or shall substitute an
9 order of suspension; or, good cause appearing therefor,
10 rescind, continue, change, or extend the order of
11 suspension. If the Secretary of State does not rescind the
12 order, the Secretary may upon application, to relieve undue
13 hardship (as defined by the rules of the Secretary of
14 State), issue a restricted driving permit granting the
15 privilege of driving a motor vehicle between the
16 petitioner's residence and petitioner's place of
17 employment or within the scope of the petitioner's
18 employment related duties, or to allow the petitioner to
19 transport himself or herself, or a family member of the
20 petitioner's household to a medical facility, to receive
21 necessary medical care, to allow the petitioner to
22 transport himself or herself to and from alcohol or drug
23 remedial or rehabilitative activity recommended by a
24 licensed service provider, or to allow the petitioner to
25 transport himself or herself or a family member of the
26 petitioner's household to classes, as a student, at an

1 accredited educational institution, or to allow the
2 petitioner to transport children, elderly persons, or
3 disabled persons who do not hold driving privileges and are
4 living in the petitioner's household to and from daycare.
5 The petitioner must demonstrate that no alternative means
6 of transportation is reasonably available and that the
7 petitioner will not endanger the public safety or welfare.
8 Those multiple offenders identified in subdivision (b)4 of
9 Section 6-208 of this Code, however, shall not be eligible
10 for the issuance of a restricted driving permit.

11 (A) If a person's license or permit is revoked or
12 suspended due to 2 or more convictions of violating
13 Section 11-501 of this Code or a similar provision of a
14 local ordinance or a similar out-of-state offense, or
15 Section 9-3 of the Criminal Code of 1961, where the use
16 of alcohol or other drugs is recited as an element of
17 the offense, or a similar out-of-state offense, or a
18 combination of these offenses, arising out of separate
19 occurrences, that person, if issued a restricted
20 driving permit, may not operate a vehicle unless it has
21 been equipped with an ignition interlock device as
22 defined in Section 1-129.1.

23 (B) If a person's license or permit is revoked or
24 suspended 2 or more times within a 10 year period due
25 to any combination of:

26 (i) a single conviction of violating Section

1 11-501 of this Code or a similar provision of a
2 local ordinance or a similar out-of-state offense
3 or Section 9-3 of the Criminal Code of 1961, where
4 the use of alcohol or other drugs is recited as an
5 element of the offense, or a similar out-of-state
6 offense; or

7 (ii) a statutory summary suspension or
8 revocation under Section 11-501.1; or

9 (iii) a suspension under Section 6-203.1;
10 arising out of separate occurrences; that person, if
11 issued a restricted driving permit, may not operate a
12 vehicle unless it has been equipped with an ignition
13 interlock device as defined in Section 1-129.1.

14 (C) The person issued a permit conditioned upon the
15 use of an ignition interlock device must pay to the
16 Secretary of State DUI Administration Fund an amount
17 not to exceed \$30 per month. The Secretary shall
18 establish by rule the amount and the procedures, terms,
19 and conditions relating to these fees.

20 (D) If the restricted driving permit is issued for
21 employment purposes, then the prohibition against
22 operating a motor vehicle that is not equipped with an
23 ignition interlock device does not apply to the
24 operation of an occupational vehicle owned or leased by
25 that person's employer when used solely for employment
26 purposes.

1 (E) In each case the Secretary may issue a
2 restricted driving permit for a period deemed
3 appropriate, except that all permits shall expire
4 within one year from the date of issuance. The
5 Secretary may not, however, issue a restricted driving
6 permit to any person whose current revocation is the
7 result of a second or subsequent conviction for a
8 violation of Section 11-501 of this Code or a similar
9 provision of a local ordinance or any similar
10 out-of-state offense, or Section 9-3 of the Criminal
11 Code of 1961, where the use of alcohol or other drugs
12 is recited as an element of the offense, or any similar
13 out-of-state offense, or any combination of those
14 offenses, until the expiration of at least one year
15 from the date of the revocation. A restricted driving
16 permit issued under this Section shall be subject to
17 cancellation, revocation, and suspension by the
18 Secretary of State in like manner and for like cause as
19 a driver's license issued under this Code may be
20 cancelled, revoked, or suspended; except that a
21 conviction upon one or more offenses against laws or
22 ordinances regulating the movement of traffic shall be
23 deemed sufficient cause for the revocation,
24 suspension, or cancellation of a restricted driving
25 permit. The Secretary of State may, as a condition to
26 the issuance of a restricted driving permit, require

1 the applicant to participate in a designated driver
2 remedial or rehabilitative program. The Secretary of
3 State is authorized to cancel a restricted driving
4 permit if the permit holder does not successfully
5 complete the program.

6 (c-3) In the case of a suspension under paragraph 43 of
7 subsection (a), reports received by the Secretary of State
8 under this Section shall, except during the actual time the
9 suspension is in effect, be privileged information and for use
10 only by the courts, police officers, prosecuting authorities,
11 the driver licensing administrator of any other state, the
12 Secretary of State, or the parent or legal guardian of a driver
13 under the age of 18. However, beginning January 1, 2008, if the
14 person is a CDL holder, the suspension shall also be made
15 available to the driver licensing administrator of any other
16 state, the U.S. Department of Transportation, and the affected
17 driver or motor carrier or prospective motor carrier upon
18 request.

19 (c-4) In the case of a suspension under paragraph 43 of
20 subsection (a), the Secretary of State shall notify the person
21 by mail that his or her driving privileges and driver's license
22 will be suspended one month after the date of the mailing of
23 the notice.

24 (c-5) The Secretary of State may, as a condition of the
25 reissuance of a driver's license or permit to an applicant
26 whose driver's license or permit has been suspended before he

1 or she reached the age of 21 years pursuant to any of the
2 provisions of this Section, require the applicant to
3 participate in a driver remedial education course and be
4 retested under Section 6-109 of this Code.

5 (d) This Section is subject to the provisions of the
6 Drivers License Compact.

7 (e) The Secretary of State shall not issue a restricted
8 driving permit to a person under the age of 16 years whose
9 driving privileges have been suspended or revoked under any
10 provisions of this Code.

11 (f) In accordance with 49 C.F.R. 384, the Secretary of
12 State may not issue a restricted driving permit for the
13 operation of a commercial motor vehicle to a person holding a
14 CDL whose driving privileges have been suspended, revoked,
15 cancelled, or disqualified under any provisions of this Code.

16 (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,
17 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,
18 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,
19 eff. 8-11-09; 96-607, eff. 8-24-09; 96-1180, eff. 1-1-11;
20 96-1305, eff. 1-1-11; 96-1344, eff. 7-1-11; revised 9-2-10.)

21 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

22 Sec. 6-206.1. Monitoring Device Driving Permit.
23 Declaration of Policy. It is hereby declared a policy of the
24 State of Illinois that the driver who is impaired by alcohol,
25 other drug or drugs, or intoxicating compound or compounds is a

1 threat to the public safety and welfare. Therefore, to provide
2 a deterrent to such practice, a statutory summary driver's
3 license suspension is appropriate. It is also recognized that
4 driving is a privilege and therefore, that the granting of
5 driving privileges, in a manner consistent with public safety,
6 is warranted during the period of suspension in the form of a
7 monitoring device driving permit. A person who drives and fails
8 to comply with the requirements of the monitoring device
9 driving permit commits a violation of Section 6-303 of this
10 Code.

11 The following procedures shall apply whenever a first
12 offender is arrested for any offense as defined in Section
13 11-501 or a similar provision of a local ordinance:

14 (a) Subsequent to a notification of a statutory summary
15 suspension of driving privileges as provided in Section
16 11-501.1, the court, after informing the first offender, as
17 defined in Section 11-500, of his or her right to a monitoring
18 device driving permit, hereinafter referred to as a MDDP, and
19 of the obligations of the MDDP, shall enter an order directing
20 the Secretary of State (hereinafter referred to as the
21 Secretary) to issue a MDDP to the offender, unless the offender
22 has opted, in writing, not to have a MDDP issued. After opting
23 out of having a MDDP issued, at any time during the summary
24 suspension, the offender may petition the court for an order
25 directing the Secretary to issue a MDDP. However, the court
26 shall not enter the order directing the Secretary to issue the

1 MDDP, in any instance, if the court finds:

2 (1) The offender's driver's license is otherwise
3 invalid;

4 (2) Death or great bodily harm resulted from the arrest
5 for Section 11-501;

6 (3) That the offender has been previously convicted of
7 reckless homicide or aggravated driving under the
8 influence involving death; or

9 (4) That the offender is less than 18 years of age.

10 Any court order for a MDDP shall order the person to pay
11 the Secretary a MDDP Administration Fee in an amount not to
12 exceed \$30 per month, to be deposited into the Monitoring
13 Device Driving Permit Administration Fee Fund. The Secretary
14 shall establish by rule the amount and the procedures, terms,
15 and conditions relating to these fees. The order shall further
16 specify that the offender must have an ignition interlock
17 device installed within 14 days of the date the Secretary
18 issues the MDDP. The ignition interlock device provider must
19 notify the Secretary, in a manner and form prescribed by the
20 Secretary, of the installation. If the Secretary does not
21 receive notice of installation, the Secretary shall cancel the
22 MDDP.

23 A MDDP shall not become effective prior to the 31st day of
24 the original statutory summary suspension.

25 (a-1) A person issued a MDDP may drive for any purpose and
26 at any time, subject to the rules adopted by the Secretary

1 under subsection (g). The person must, at his or her own
2 expense, drive only vehicles equipped with an ignition
3 interlock device as defined in Section 1-129.1, but in no event
4 shall such person drive a commercial motor vehicle.

5 (a-2) Persons who are issued a MDDP and must drive
6 employer-owned vehicles in the course of their employment
7 duties may seek permission to drive an employer-owned vehicle
8 that does not have an ignition interlock device. The employer
9 shall provide to the Secretary a form, as prescribed by the
10 Secretary, completed by the employer verifying that the
11 employee must drive an employer-owned vehicle in the course of
12 employment. If approved by the Secretary, the form must be in
13 the driver's possession while operating an employer-owner
14 vehicle not equipped with an ignition interlock device. No
15 person may use this exemption to drive a school bus, school
16 vehicle, or a vehicle designed to transport more than 15
17 passengers. No person may use this exemption to drive an
18 employer-owned motor vehicle that is owned by an entity that is
19 wholly or partially owned by the person holding the MDDP, or by
20 a family member of the person holding the MDDP. No person may
21 use this exemption to drive an employer-owned vehicle that is
22 made available to the employee for personal use. No person may
23 drive the exempted vehicle more than 12 hours per day, 6 days
24 per week.

25 (b) (Blank).

26 (c) (Blank).

1 (c-1) If the holder of the MDDP is convicted of or receives
2 court supervision for a violation of Section 6-206.2, 6-303,
3 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar
4 provision of a local ordinance or a similar out-of-state
5 offense or is convicted of or receives court supervision for
6 any offense for which alcohol or drugs is an element of the
7 offense and in which a motor vehicle was involved (for an
8 arrest other than the one for which the MDDP is issued), or
9 de-installs the BAIID without prior authorization from the
10 Secretary, the MDDP shall be cancelled.

11 (c-5) If the court determines that the person seeking the
12 MDDP is indigent, the court shall provide the person with a
13 written document, in a form prescribed by the Secretary, as
14 evidence of that determination, and the person shall provide
15 that written document to an ignition interlock device provider.
16 The provider shall install an ignition interlock device on that
17 person's vehicle without charge to the person, and seek
18 reimbursement from the Indigent BAIID Fund. If the court has
19 deemed an offender indigent, the BAIID provider shall also
20 provide the normal monthly monitoring services and the
21 de-installation without charge to the offender and seek
22 reimbursement from the Indigent BAIID Fund. Any other monetary
23 charges, such as a lockout fee or reset fee, shall be the
24 responsibility of the MDDP holder. A BAIID provider may not
25 seek a security deposit from the Indigent BAIID Fund. The court
26 shall also forward a copy of the indigent determination to the

1 Secretary, in a manner and form as prescribed by the Secretary.

2 (d) The Secretary shall, upon receiving a court order,
3 issue a MDDP to a person who applies for a MDDP under this
4 Section. Such court order shall contain the name, driver's
5 license number, and legal address of the applicant. This
6 information shall be available only to the courts, police
7 officers, and the Secretary, except during the actual period
8 the MDDP is valid, during which time it shall be a public
9 record. The Secretary shall design and furnish to the courts an
10 official court order form to be used by the courts when
11 directing the Secretary to issue a MDDP.

12 Any submitted court order that contains insufficient data
13 or fails to comply with this Code shall not be utilized for
14 MDDP issuance or entered to the driver record but shall be
15 returned to the issuing court indicating why the MDDP cannot be
16 so entered. A notice of this action shall also be sent to the
17 MDDP applicant by the Secretary.

18 (e) (Blank).

19 (f) (Blank).

20 (g) The Secretary shall adopt rules for implementing this
21 Section. The rules adopted shall address issues including, but
22 not limited to: compliance with the requirements of the MDDP;
23 methods for determining compliance with those requirements;
24 the consequences of noncompliance with those requirements;
25 what constitutes a violation of the MDDP; and the duties of a
26 person or entity that supplies the ignition interlock device.

1 (h) The rules adopted under subsection (g) shall provide,
2 at a minimum, that the person is not in compliance with the
3 requirements of the MDDP if he or she:

4 (1) tampers or attempts to tamper with or circumvent
5 the proper operation of the ignition interlock device;

6 (2) provides valid breath samples that register blood
7 alcohol levels in excess of the number of times allowed
8 under the rules;

9 (3) fails to provide evidence sufficient to satisfy the
10 Secretary that the ignition interlock device has been
11 installed in the designated vehicle or vehicles; or

12 (4) fails to follow any other applicable rules adopted
13 by the Secretary.

14 (i) Any person or entity that supplies an ignition
15 interlock device as provided under this Section shall, in
16 addition to supplying only those devices which fully comply
17 with all the rules adopted under subsection (g), provide the
18 Secretary, within 7 days of inspection, all monitoring reports
19 of each person who has had an ignition interlock device
20 installed. These reports shall be furnished in a manner or form
21 as prescribed by the Secretary.

22 (j) Upon making a determination that a violation of the
23 requirements of the MDDP has occurred, the Secretary shall
24 extend the summary suspension period for an additional 3 months
25 beyond the originally imposed summary suspension period,
26 during which time the person shall only be allowed to drive

1 vehicles equipped with an ignition interlock device; provided
2 further there are no limitations on the total number of times
3 the summary suspension may be extended. The Secretary may,
4 however, limit the number of extensions imposed for violations
5 occurring during any one monitoring period, as set forth by
6 rule. Any person whose summary suspension is extended pursuant
7 to this Section shall have the right to contest the extension
8 through a hearing with the Secretary, pursuant to Section 2-118
9 of this Code. If the summary suspension has already terminated
10 prior to the Secretary receiving the monitoring report that
11 shows a violation, the Secretary shall be authorized to suspend
12 the person's driving privileges for 3 months, provided that the
13 Secretary may, by rule, limit the number of suspensions to be
14 entered pursuant to this paragraph for violations occurring
15 during any one monitoring period. Any person whose license is
16 suspended pursuant to this paragraph, after the summary
17 suspension had already terminated, shall have the right to
18 contest the suspension through a hearing with the Secretary,
19 pursuant to Section 2-118 of this Code. The only permit the
20 person shall be eligible for during this new suspension period
21 is a MDDP.

22 (k) A person who has had his or her summary suspension
23 extended for the third time, or has any combination of 3
24 extensions and new suspensions, entered as a result of a
25 violation that occurred while holding the MDDP, so long as the
26 extensions and new suspensions relate to the same summary

1 suspension, shall have his or her vehicle impounded for a
2 period of 30 days, at the person's own expense. A person who
3 has his or her summary suspension extended for the fourth time,
4 or has any combination of 4 extensions and new suspensions,
5 entered as a result of a violation that occurred while holding
6 the MDDP, so long as the extensions and new suspensions relate
7 to the same summary suspension, shall have his or her vehicle
8 subject to seizure and forfeiture. The Secretary shall notify
9 the prosecuting authority of any third or fourth extensions or
10 new suspension entered as a result of a violation that occurred
11 while the person held a MDDP. Upon receipt of the notification,
12 the prosecuting authority shall impound or forfeit the vehicle.
13 The impoundment or forfeiture of a vehicle shall be conducted
14 pursuant to the procedure specified in Article 36 of the
15 Criminal Code of 1961.

16 (1) A person whose driving privileges have been suspended
17 under Section 11-501.1 of this Code and who had a MDDP that was
18 cancelled, or would have been cancelled had notification of a
19 violation been received prior to expiration of the MDDP,
20 pursuant to subsection (c-1) of this Section, shall not be
21 eligible for reinstatement when the summary suspension is
22 scheduled to terminate. Instead, the person's driving
23 privileges shall be suspended for a period of not less than
24 twice the original summary suspension period, or for the length
25 of any extensions entered under subsection (j), whichever is
26 longer. During the period of suspension, the person shall be

1 eligible only to apply for a restricted driving permit. If a
2 restricted driving permit is granted, the offender may only
3 operate vehicles equipped with a BAIID in accordance with this
4 Section.

5 (m) Any person or entity that supplies an ignition
6 interlock device under this Section shall, for each ignition
7 interlock device installed, pay 5% of the total gross revenue
8 received for the device, including monthly monitoring fees,
9 into the Indigent BAIID Fund. This 5% shall be clearly
10 indicated as a separate surcharge on each invoice that is
11 issued. The Secretary shall conduct an annual review of the
12 fund to determine whether the surcharge is sufficient to
13 provide for indigent users. The Secretary may increase or
14 decrease this surcharge requirement as needed.

15 (n) Any person or entity that supplies an ignition
16 interlock device under this Section that is requested to
17 provide an ignition interlock device to a person who presents
18 written documentation of indigency from the court, as provided
19 in subsection (c-5) of this Section, shall install the device
20 on the person's vehicle without charge to the person and shall
21 seek reimbursement from the Indigent BAIID Fund.

22 (o) The Indigent BAIID Fund is created as a special fund in
23 the State treasury. The Secretary shall, subject to
24 appropriation by the General Assembly, use all money in the
25 Indigent BAIID Fund to reimburse ignition interlock device
26 providers who have installed devices in vehicles of indigent

1 persons pursuant to court orders issued under this Section. The
2 Secretary shall make payments to such providers every 3 months.
3 If the amount of money in the fund at the time payments are
4 made is not sufficient to pay all requests for reimbursement
5 submitted during that 3 month period, the Secretary shall make
6 payments on a pro-rata basis, and those payments shall be
7 considered payment in full for the requests submitted.

8 (p) The Monitoring Device Driving Permit Administration
9 Fee Fund is created as a special fund in the State treasury.
10 The Secretary shall, subject to appropriation by the General
11 Assembly, use the money paid into this fund to offset its
12 administrative costs for administering MDDPs.

13 (Source: P.A. 95-400, eff. 1-1-09; 95-578, eff. 1-1-09; 95-855,
14 eff. 1-1-09; 95-876, eff. 8-21-08; 96-184, eff. 8-10-09.)

15 (625 ILCS 5/6-207) (from Ch. 95 1/2, par. 6-207)

16 Sec. 6-207. Secretary of State may require reexamination or
17 reissuance of a license.

18 (a) The Secretary of State, having good cause to believe
19 that a licensed driver or person holding a permit or applying
20 for a license or license renewal is incompetent or otherwise
21 not qualified to hold a license or permit, may upon written
22 notice of at least 5 days to the person require the person to
23 submit to an examination as prescribed by the Secretary.

24 Refusal or neglect of the person to submit an alcohol,
25 drug, or intoxicating compound evaluation or submit to or

1 failure to successfully complete the examination is grounds for
2 suspension of the person's license or permit under Section
3 6-206 of this Act or cancellation of his license or permit
4 under Section 6-201 of this Act.

5 (b) The Secretary of State, having issued a driver's
6 license or permit in error, may upon written notice of at least
7 5 days to the person, require the person to appear at a Driver
8 Services facility to have the license or permit error corrected
9 and a new license or permit issued.

10 Refusal or neglect of the person to appear is grounds for
11 cancellation of the person's license or permit under Section
12 6-201 of this Act.

13 (c) The Secretary of State, having issued a driver's
14 license or permit to a person who subsequently becomes
15 ineligible to retain that license or permit as currently
16 issued, may, upon written notice of at least 5 days to the
17 person, require the person to appear at a Driver Services
18 facility to have the license or permit corrected and a new
19 license or permit issued.

20 (d) The Secretary of State, having good cause to believe
21 that a driver's license or permit was issued based on invalid,
22 fictitious, or fraudulent documents, may upon written notice of
23 at least 5 days require the person to appear at a Driver
24 Services facility to present valid documents for verification
25 of identity. Refusal or neglect of the person to appear shall
26 result in cancellation of the person's license or permit.

1 (Source: P.A. 95-382, eff. 8-23-07.)

2 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

3 (Text of Section before amendment by P.A. 96-1344)

4 Sec. 6-208.1. Period of statutory summary alcohol, other
5 drug, or intoxicating compound related suspension.

6 (a) Unless the statutory summary suspension has been
7 rescinded, any person whose privilege to drive a motor vehicle
8 on the public highways has been summarily suspended, pursuant
9 to Section 11-501.1, shall not be eligible for restoration of
10 the privilege until the expiration of:

11 1. Twelve months from the effective date of the
12 statutory summary suspension for a refusal or failure to
13 complete a test or tests to determine the alcohol, drug, or
14 intoxicating compound concentration, pursuant to Section
15 11-501.1; or

16 2. Six months from the effective date of the statutory
17 summary suspension imposed following the person's
18 submission to a chemical test which disclosed an alcohol
19 concentration of 0.08 or more, or any amount of a drug,
20 substance, or intoxicating compound in such person's
21 breath, blood, or urine resulting from the unlawful use or
22 consumption of cannabis listed in the Cannabis Control Act,
23 a controlled substance listed in the Illinois Controlled
24 Substances Act, an intoxicating compound listed in the Use
25 of Intoxicating Compounds Act, or methamphetamine as

1 listed in the Methamphetamine Control and Community
2 Protection Act, pursuant to Section 11-501.1; or

3 3. Three years from the effective date of the statutory
4 summary suspension for any person other than a first
5 offender who refuses or fails to complete a test or tests
6 to determine the alcohol, drug, or intoxicating compound
7 concentration pursuant to Section 11-501.1; or

8 4. One year from the effective date of the summary
9 suspension imposed for any person other than a first
10 offender following submission to a chemical test which
11 disclosed an alcohol concentration of 0.08 or more pursuant
12 to Section 11-501.1 or any amount of a drug, substance or
13 compound in such person's blood or urine resulting from the
14 unlawful use or consumption of cannabis listed in the
15 Cannabis Control Act, a controlled substance listed in the
16 Illinois Controlled Substances Act, an intoxicating
17 compound listed in the Use of Intoxicating Compounds Act,
18 or methamphetamine as listed in the Methamphetamine
19 Control and Community Protection Act.

20 (b) Following a statutory summary suspension of the
21 privilege to drive a motor vehicle under Section 11-501.1,
22 driving privileges shall be restored unless the person is
23 otherwise suspended, revoked, or cancelled by this Code. If the
24 court has reason to believe that the person's driving privilege
25 should not be restored, the court shall notify the Secretary of
26 State prior to the expiration of the statutory summary

1 suspension so appropriate action may be taken pursuant to this
2 Code.

3 (c) Driving privileges may not be restored until all
4 applicable reinstatement fees, as provided by this Code, have
5 been paid to the Secretary of State and the appropriate entry
6 made to the driver's record.

7 (d) Where a driving privilege has been summarily suspended
8 under Section 11-501.1 and the person is subsequently convicted
9 of violating Section 11-501, or a similar provision of a local
10 ordinance, for the same incident, any period served on
11 statutory summary suspension shall be credited toward the
12 minimum period of revocation of driving privileges imposed
13 pursuant to Section 6-205.

14 (e) Following a statutory summary suspension of driving
15 privileges pursuant to Section 11-501.1, for a first offender,
16 the circuit court shall, unless the offender has opted in
17 writing not to have a monitoring device driving permit issued,
18 order the Secretary of State to issue a monitoring device
19 driving permit as provided in Section 6-206.1. A monitoring
20 device driving permit shall not be effective prior to the 31st
21 day of the statutory summary suspension.

22 (f) (Blank).

23 (g) Following a statutory summary suspension of driving
24 privileges pursuant to Section 11-501.1 where the person was
25 not a first offender, as defined in Section 11-500, the
26 Secretary of State may not issue a restricted driving permit.

1 (h) (Blank).

2 (Source: P.A. 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-876,
3 eff. 8-21-08.)

4 (Text of Section after amendment by P.A. 96-1344)

5 Sec. 6-208.1. Period of statutory summary alcohol, other
6 drug, or intoxicating compound related suspension or
7 revocation.

8 (a) Unless the statutory summary suspension has been
9 rescinded, any person whose privilege to drive a motor vehicle
10 on the public highways has been summarily suspended, pursuant
11 to Section 11-501.1, shall not be eligible for restoration of
12 the privilege until the expiration of:

13 1. Twelve months from the effective date of the
14 statutory summary suspension for a refusal or failure to
15 complete a test or tests to determine the alcohol, drug, or
16 intoxicating compound concentration, pursuant to Section
17 11-501.1, if the person was not involved in a motor vehicle
18 crash that caused personal injury or death to another; or

19 2. Six months from the effective date of the statutory
20 summary suspension imposed following the person's
21 submission to a chemical test which disclosed an alcohol
22 concentration of 0.08 or more, or any amount of a drug,
23 substance, or intoxicating compound in such person's
24 breath, blood, or urine resulting from the unlawful use or
25 consumption of cannabis listed in the Cannabis Control Act,

1 a controlled substance listed in the Illinois Controlled
2 Substances Act, an intoxicating compound listed in the Use
3 of Intoxicating Compounds Act, or methamphetamine as
4 listed in the Methamphetamine Control and Community
5 Protection Act, pursuant to Section 11-501.1; or

6 3. Three years from the effective date of the statutory
7 summary suspension for any person other than a first
8 offender who refuses or fails to complete a test or tests
9 to determine the alcohol, drug, or intoxicating compound
10 concentration pursuant to Section 11-501.1; or

11 4. One year from the effective date of the summary
12 suspension imposed for any person other than a first
13 offender following submission to a chemical test which
14 disclosed an alcohol concentration of 0.08 or more pursuant
15 to Section 11-501.1 or any amount of a drug, substance or
16 compound in such person's blood or urine resulting from the
17 unlawful use or consumption of cannabis listed in the
18 Cannabis Control Act, a controlled substance listed in the
19 Illinois Controlled Substances Act, an intoxicating
20 compound listed in the Use of Intoxicating Compounds Act,
21 or methamphetamine as listed in the Methamphetamine
22 Control and Community Protection Act.

23 (a-1) Unless the statutory summary revocation has been
24 rescinded, any person whose privilege to drive has been
25 summarily revoked pursuant to Section 11-501.1 may not make
26 application for a license or permit until the expiration of one

1 year from the effective date of the summary revocation.

2 (b) Following a statutory summary suspension of the
3 privilege to drive a motor vehicle under Section 11-501.1,
4 driving privileges shall be restored unless the person is
5 otherwise suspended, revoked, or cancelled by this Code. If the
6 court has reason to believe that the person's driving privilege
7 should not be restored, the court shall notify the Secretary of
8 State prior to the expiration of the statutory summary
9 suspension so appropriate action may be taken pursuant to this
10 Code.

11 (c) Driving privileges may not be restored until all
12 applicable reinstatement fees, as provided by this Code, have
13 been paid to the Secretary of State and the appropriate entry
14 made to the driver's record.

15 (d) Where a driving privilege has been summarily suspended
16 or revoked under Section 11-501.1 and the person is
17 subsequently convicted of violating Section 11-501, or a
18 similar provision of a local ordinance, for the same incident,
19 any period served on statutory summary suspension or revocation
20 shall be credited toward the minimum period of revocation of
21 driving privileges imposed pursuant to Section 6-205.

22 (e) Following a statutory summary suspension of driving
23 privileges pursuant to Section 11-501.1, for a first offender,
24 the circuit court shall, unless the offender has opted in
25 writing not to have a monitoring device driving permit issued,
26 order the Secretary of State to issue a monitoring device

1 driving permit as provided in Section 6-206.1. A monitoring
2 device driving permit shall not be effective prior to the 31st
3 day of the statutory summary suspension. A first offender who
4 refused chemical testing and whose driving privileges were
5 summarily revoked pursuant to Section 11-501.1 shall not be
6 eligible for a monitoring device driving permit, but may make
7 application for reinstatement or for a restricted driving
8 permit after a period of one year has elapsed from the
9 effective date of the revocation ~~any type of driving permit or~~
10 ~~privilege during the summary revocation.~~

11 (f) (Blank).

12 (g) Following a statutory summary suspension of driving
13 privileges pursuant to Section 11-501.1 where the person was
14 not a first offender, as defined in Section 11-500, the
15 Secretary of State may not issue a restricted driving permit.

16 (h) (Blank).

17 (Source: P.A. 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-876,
18 eff. 8-21-08; 96-1344, eff. 7-1-11.)

19 (625 ILCS 5/6-401) (from Ch. 95 1/2, par. 6-401)

20 Sec. 6-401. Driver training schools-license required. No
21 person, firm, association, partnership or corporation shall
22 operate a driver training school or engage in the business of
23 giving instruction for hire or for a fee in (1) the driving of
24 motor vehicles; or (2) ~~for~~ the preparation of an applicant for
25 examination given by the Secretary of State for a drivers

1 license or permit, unless a license therefor has been issued by
2 the Secretary. No public schools or educational institutions
3 shall contract with entities engaged in the business of giving
4 instruction for hire or for a fee in the driving of motor
5 vehicles for the preparation of an applicant for examination
6 given by the Secretary of State for a driver's license or
7 permit, unless a license therefor has been issued by the
8 Secretary.

9 This Section shall not apply to (i) public schools or to
10 educational institutions in which driving instruction is part
11 of the curriculum, (ii) employers giving instruction to their
12 employees, or (iii) schools that teach enhanced driving skills
13 to licensed drivers as set forth in Article X of Chapter 6 of
14 this Code.

15 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10.)

16 (625 ILCS 5/6-419) (from Ch. 95 1/2, par. 6-419)

17 Sec. 6-419. Rules and Regulations. The Secretary is
18 authorized to prescribe by rule standards for the eligibility,
19 conduct and operation of driver training schools, and
20 instructors and to adopt other reasonable rules and regulations
21 necessary to carry out the provisions of this Act. The
22 Secretary may adopt rules exempting particular types of driver
23 training schools from specific statutory provisions in
24 Sections 6-401 through 6-424, where application of those
25 provisions would be inconsistent with the manner of instruction

1 offered by those schools.

2 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10.)

3 (625 ILCS 5/6-507) (from Ch. 95 1/2, par. 6-507)

4 Sec. 6-507. Commercial Driver's License (CDL) Required.

5 (a) Except as expressly permitted by this UCCLA, or when
6 driving pursuant to the issuance of a commercial driver
7 instruction permit and accompanied by the holder of a CDL valid
8 for the vehicle being driven; no person shall drive a
9 commercial motor vehicle on the highways without:

10 (1) a CDL in the driver's possession;

11 (2) having obtained a CDL; or

12 (3) the proper class of CDL or endorsements or both for
13 the specific vehicle group being operated or for the
14 passengers or type of cargo being transported.

15 (b) Except as otherwise provided by this Code, no person
16 may drive a commercial motor vehicle on the highways while such
17 person's driving privilege, license, or permit is:

18 (1) Suspended, revoked, cancelled, or subject to
19 disqualification. Any person convicted of violating this
20 provision or a similar provision of this or any other state
21 shall have their driving privileges revoked under
22 paragraph 12 of subsection (a) of Section 6-205 of this
23 Code.

24 (2) Subject to or in violation of an "out-of-service"
25 order. Any person who has been issued a CDL and is

1 convicted of violating this provision or a similar
2 provision of any other state shall be disqualified from
3 operating a commercial motor vehicle under subsection (i)
4 of Section 6-514 of this Code.

5 (3) Subject to or in violation of a driver or vehicle
6 "out of service" order while operating a vehicle designed
7 to transport 16 or more passengers, including the driver,
8 or transporting hazardous materials required to be
9 placarded. Any person who has been issued a CDL and is
10 convicted of violating this provision or a similar
11 provision of this or any other state shall be disqualified
12 from operating a commercial motor vehicle under subsection
13 (i) of Section 6-514 of this Code.

14 (b-3) Except as otherwise provided by this Code, no person
15 may drive a commercial motor vehicle on the highways during a
16 period which the commercial motor vehicle or the motor carrier
17 operation is subject to an "out-of-service" order. Any person
18 who is convicted of violating this provision or a similar
19 provision of any other state shall be disqualified from
20 operating a commercial motor vehicle under subsection (i) of
21 Section 6-514 of this Code.

22 (b-5) Except as otherwise provided by this Code, no person
23 may operate a vehicle designed to transport 16 or more
24 passengers including the driver or hazardous materials of a
25 type or quantity that requires the vehicle to be placarded
26 during a period in which the commercial motor vehicle or the

1 motor carrier operation is subject to an "out-of-service"
2 order. Any person who is convicted of violating this provision
3 or a similar provision of any other state shall be disqualified
4 from operating a commercial motor vehicle under subsection (i)
5 of Section 6-514 of this Code.

6 (c) Pursuant to the options provided to the States by FHWA
7 Docket No. MC-88-8, the driver of any motor vehicle controlled
8 or operated by or for a farmer is waived from the requirements
9 of this Section, when such motor vehicle is being used to
10 transport: agricultural products; implements of husbandry; or
11 farm supplies; to and from a farm, as long as such movement is
12 not over 150 air miles from the originating farm. This waiver
13 does not apply to the driver of any motor vehicle being used in
14 a common or contract carrier type operation. However, for those
15 drivers of any truck-tractor semitrailer combination or
16 combinations registered under subsection (c) of Section 3-815
17 of this Code, this waiver shall apply only when the driver is a
18 farmer or a member of the farmer's family and the driver is 21
19 years of age or more and has successfully completed any tests
20 the Secretary of State deems necessary.

21 In addition, the farmer or a member of the farmer's family
22 who operates a truck-tractor semitrailer combination or
23 combinations pursuant to this waiver shall be granted all of
24 the rights and shall be subject to all of the duties and
25 restrictions with respect to Sections 6-514 and 6-515 of this
26 Code applicable to the driver who possesses a commercial

1 driver's license issued under this Code, except that the driver
2 shall not be subject to any additional duties or restrictions
3 contained in Part 382 of the Federal Motor Carrier Safety
4 Regulations that are not otherwise imposed under Section 6-514
5 or 6-515 of this Code.

6 For purposes of this subsection (c), a member of the
7 farmer's family is a natural or in-law spouse, child, parent,
8 or sibling.

9 (c-5) An employee of a township or road district with a
10 population of less than 3,000 operating a vehicle within the
11 boundaries of the township or road district for the purpose of
12 removing snow or ice from a roadway by plowing, sanding, or
13 salting is waived from the requirements of this Section when
14 the employee is needed to operate the vehicle because the
15 employee of the township or road district who ordinarily
16 operates the vehicle and who has a commercial driver's license
17 is unable to operate the vehicle or is in need of additional
18 assistance due to a snow emergency.

19 (c-10) A driver of a commercial motor vehicle used
20 primarily in the transportation of propane winter heating fuel
21 or a driver of a motor vehicle used to respond to a pipeline
22 emergency is waived from the requirements of this Section if
23 such requirements would prevent the driver from responding to
24 an emergency condition requiring immediate response as defined
25 in 49 C.F.R. Part 390.5.

26 (d) Any person convicted of violating this Section, shall

1 be guilty of a Class A misdemeanor.

2 (e) Any person convicted of violating paragraph (1) of
3 subsection (b) of this Section, shall have all driving
4 privileges revoked by the Secretary of State.

5 (f) This Section shall not apply to:

6 (1) A person who currently holds a valid Illinois
7 driver's license, for the type of vehicle being operated,
8 until the expiration of such license or April 1, 1992,
9 whichever is earlier; or

10 (2) A non-Illinois domiciliary who is properly
11 licensed in another State, until April 1, 1992. A
12 non-Illinois domiciliary, if such domiciliary is properly
13 licensed in another State or foreign jurisdiction, until
14 April 1, 1992.

15 (Source: P.A. 95-382, eff. 8-23-07; 96-544, eff. 1-1-10.)

16 (625 ILCS 5/6-908) (from Ch. 95 1/2, par. 6-908)

17 Sec. 6-908. Confidential information. As provided in
18 subsection (j) of Section 2-123 of this Code, all information
19 furnished to the Secretary or Board, the results of all
20 examinations made at their direction, and all medical findings
21 of the Board shall be confidential and for the sole use of the
22 Board and the Secretary which may have access to the same for
23 the purposes as set forth in this Act. Except as provided in
24 this Section, no ~~No~~ confidential information may be open to
25 public inspection or the contents disclosed to anyone, except

1 the person under review and then only to the extent necessary
2 to comply with a request for discovery during the hearing
3 process, unless so directed by a court of competent
4 jurisdiction. If the Secretary receives a medical report
5 regarding a driver that does not address a medical condition
6 contained in a previous medical report, the Secretary may
7 disclose the unaddressed medical condition to the driver or his
8 or her physician, or both, solely for the purpose of submission
9 of a medical report that addresses the condition.

10 (Source: P.A. 87-1249.)

11 Section 95. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.